File No. 091023

Petitions and Communications received from August 4, 2009, through August 10, 2009, for reference by the President to Committee considering related matters or to be ordered filed by the Clerk on August 18, 2009.

From various City Departments, submitting notification that the adopted Budget for Fiscal year 2009-2010 is adequate for the Department to meet service levels as proposed by the Board: (1)

Economic and Workforce Development
Department of Human Resources
Human Rights Commission
Department of Child Support Services
Office of the Controller
Recreation and Park Department
Department of the Status of Women
First 5 San Francisco, Children and Families Commission
Fine Arts Museums of San Francisco
Board of Supervisors
Residential Rent Stabilization and Arbitration Board
San Francisco War Memorial and Performing Arts Center
Adult Probation Department
Municipal Transportation Agency

From San Francisco Public Utilities Commission, submitting a report with the Board analyzing whether NRG is complying with all provisions of SF Administrative Code Section 11.44. Copy: Each Supervisor (2)

From Office of the Mayor, submitting letter designating Supervisor Carmen Chu as Acting-Mayor from 11:00AM on Saturday, August 8, 2009, until 10:45AM Sunday, August 9, 2009. Copy: Each Supervisor (3)

From Capital Planning Committee, regarding Recommendation on Supplemental Appropriation Request for the San Francisco Public Utilities Commission's (SFPUC) Headquarters Building Project at 525 Golden Gate Avenue. Copy: Each Supervisor (4)

From First 5 San Francisco, submitting response to Supervisor Alioto-Pier's inquiry regarding the Healthy Families Program. (Reference 20020721-008) (5)

From Civil Service Commission, regarding Survey of Monthly Rates Paid to Police Officers and Firefighters in all Cities of 350,000 or More in the State of California. Copies: Each Supervisor (6)

From Department of Elections, regarding Disclaimer Requirements for Local Ballot Measures: Endorse, Oppose or Take No Position on a Measure (Municipal Elections Code (MEC) Section 500©(8). Copy: Each Supervisor (7)

From Superior Court of California, submitting notification that the Adopted Budget for Fiscal year 2009-2010 is not adequate for the Department to meet service levels as proposed by the Board. Copy: Each Supervisor (8)

From Office of the Controller – City Services Auditor, submitting Department of Public Health, Monitoring of A-133 Single Audit Reports for Agencies Awarded Federal Funds by DPH in Fiscal Year 2007-2008. (9)

From T-Mobile, regarding T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. dba T-Mobil (U-3056-C0), Notification Letter for T-Mobile Site No. SF13115B. (10)

From Office of the Controller, regarding State Budget Impact – Preliminary Report. Copies: Budget & Finance Committee Members (11)

From Mary Miles, submitting comment in support of Appeal of Certification of Environmental Impact Report (EIR) by the San Francisco Planning Commission on 6/25/09, and Opposing Actions Approving, Adopting, or Implementing the San Francisco Bicycle Plan Project. Copies: Each Supervisor (12)

From Roger P. Maineri, submitting a copy of letter sent to Director of Public Works, regarding graffiti removal from their building. (13)

From Department of Public Health, regarding Department of Public Health Budget Cuts. Copies: Each Supervisor (14)

From Yerba Buena Community Benefit District, submitting 2008-2009 Annual Report. (15)

From Office of the Controller, submitting a copy of Audit Memo regarding Aging and Adult Services Lacks Key Accounting controls to Safeguard Client Assets in

Three of its Programs (Public Administrator, Public Guardian, Representative Payee). (16)
From Office of the Controller, submitting a copy of the Annual Salary Ordinance FY 2009-2010. File No. 090778 (17)

From Office of the Controller, submitting a copy of the Annual Appropriation Ordinance FY 2009-2010. File No. 090779 (18)

From Francisco Da Costa, submitting a link to newspaper article "Bayview in the year 2009". (19)

From Office of Clerk of the Board, submitting Form 700 Statement of Economic Interest for William Barnes – Legislative Assistant. (20)

From Marilyn Amini, regarding the procedure the Board used when calling from Committee file numbers 090867 and 090868. (21)

From Rachel Ebora, submitting letter of support for the Bicycle Plan Project FEIR. File No. 090913 (22)

From Department of Public Works, submitting response to repairing potholes in District 5. (Reference 20090728-005) (23)

From James Chaffee, regarding Democracy in its Representative Form: An Attendance Policy (Library Commission). (24)

From concerned citizen, regarding the Statue of Neda Agha-Soltan on display at City Hall. Received 5 letters. (25)

From concerned citizens, submitting support for preserving Sharp Park Golf Course. Received 2 Letters and copies of On-Line Petition (900+). (26)

From concerned citizens, submitting support for the proposed transformation of Sharp Park. Received 11 Letters. (27)

From Mrs. Burrell, expressing various concerns, relating to homelessness, estate liquidation, etc. (28)

8/18

ECONOMIC AND WORKFORCE DEVELOPMENT
MICHAEL COHEN, DIRECTOR

CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

August 5, 2009

Honorable Gavin Newsom
Mayor, City and County of San Francisco
City Hall, Room 200

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244

Ben Rosenfield, Controller
City Hall, Room 316

RE: Adopted Budget for FY 2009-10

Mayor Newsom, Ms. Calvillo and Mr. Rosenfield,

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2009-10 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Michael Cohen

cc: Nani Coloretti, Mayor's Office of Public Policy & Finance
Greg Wagner, Mayor's Office of Public Policy & Finance
Thomas DiSanto, Controller's Office – Budget & Analysis Division

1 DR. CARLTON B. GOODLETT PLACE, ROOM 448, SAN FRANCISCO, CA 94102
(415) 554-6969 VOICE (415) 554-6018 FAX

8/18

City and County of San Francisco
Gavin Newsom
Mayor

Department of Human Resources
Micki Callahan
Human Resources Director

August 4, 2009

The Honorable Gavin Newsom,
Mayor, City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102-4694

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Ben Rosenfield, Controller
Office of the Controller
1 Dr. Carlton B. Goodlett Place, Room 312
San Francisco, CA 94102-4694

Subject: Adopted Budget for Fiscal Year 2009/2010

Ms. Calvillo and Gentlemen:

I hereby certify, in conformance with Charter Section 9.115 and Administrative Code Section 3.14 that the funding provided in the budget for Fiscal Year 2009/2010 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Micki Callahan
Human Resources Director

cc: Nani Coloretti, Mayor's Office of Budget & Legislative Affairs
Greg Wagner, Mayor's Office of Budget & Legislative Affairs
Thomas DiSanto, Controller's Office – Budget & Analysis Division

8/18

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission

Contract Compliance
Dispute Resolution/Fair Housing
Small Micro Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Chris Iglesias
Executive Director

August 4, 2009

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -6 AM 9:54
BY

Honorable Gavin Newsom
Mayor, City and County of San Francisco
City Hall, Room 200

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244

Ben Rosenfield, Controller
City Hall, Room 316

RE: Adopted Budget for FY 2009-10

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2009-10 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Chris Iglesias
Executive Director

cc: Nani Coloretti, Mayor's Office of Public Policy & Finance
Greg Wagner, Mayor's Office of Public Policy & Finance
Thomas DiSanto, Controller's Office – Budget & Analysis Division

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfgov.org/sfhumanrights

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF CHILD SUPPORT SERVICES
617 Mission Street, San Francisco, CA 94105-3503 Tel. (415) 356-2700
Child Support Automated Information System 1-866-901-3212

GAVIN NEWSOM
MAYOR

KAREN M. ROYE
DIRECTOR

8/18

August 4, 2009

Honorable Gavin Newsom
Mayor, City and County of San Francisco
City Hall, Room 200

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244

Ben Rosenfield, Controller
City Hall, Room 316

RE: Adopted Budget for FY 2009-10

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2009-10 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Karen M. Roye
Director

cc: Nani Coloretti, Mayor's Office of Public Policy & Finance
Greg Wagner, Mayor's Office of Public Policy & Finance
Thomas DiSanto, Controller's Office – Budget & Analysis Division

8/18

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

August 5, 2009

Honorable Gavin Newsom
Mayor, City and County of San Francisco
City Hall, Room 200

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244

Ben Rosenfield, Controller
City Hall, Room 316

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -5 AM 11:09
BY

RE: Adopted Budget for FY 2009-10

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14 that the funding provided in the budget for FY 2009-10 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Ben Rosenfield
Controller

cc: Nani Coloretti, Mayor's Office of Public Policy & Finance
Greg Wagner, Mayor's Office of Public Policy & Finance
Thomas DiSanto, Controller's Office – Budget & Analysis Division

8/18

City and County of San Francisco
Recreation and Park Department

McLaren Lodge in Golden Gate Park
501 Stanyan Street, San Francisco, CA 94117
TEL: 415.831.2700 FAX: 415.831.2096 WEB: www.parks.sfgov.org

August 5, 2009

The Honorable Gavin Newsom
Mayor, City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102-4694

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Controller's Office
1 Dr. Carlton B. Goodlett Place, Room 312
San Francisco, CA 94102-4694

Subject: Adopted Budget for Fiscal Year 2009 – 2010

Ladies and Gentlemen:

I hereby certify, in conformance with Charter Section 9.115 and Administrative Code Section 3.14, that the funding provided in the budget for Fiscal Year 2009 – 2010 as adopted by the Board of Supervisors is adequate for the Recreation and Park Department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Philip Ginsburg
General Manager

cc: Nani Coloretti, Mayor's Office of Budget & Legislative Affairs
Greg Wagner, Mayor's Office of Budget & Legislative Affairs
Thomas DiSanto, Controller's Office – Budget & Analysis Division

8/18

City and County of San Francisco
Department on the Status of Women
Mayor Gavin Newsom
Executive Director Emily M. Murase, PhD

August 6, 2009

Honorable Gavin Newsom
Mayor, City and County of San Francisco
City Hall, Room 200

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244

Ben Rosenfield, Controller
City Hall, Room 316

RE: Adopted Budget for FY 2009-10

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2009-10 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Emily M. Murase, PhD
Executive Director

cc: Nani Coloretti, Mayor's Office of Public Policy & Finance
Greg Wagner, Mayor's Office of Public Policy & Finance
Thomas DiSanto, Controller's Office – Budget & Analysis Division

25 Van Ness Avenue, Suite 130
San Francisco, CA 94102

(415) 252-2570
(415) 252-2575 fax

dosw@sfgov.org
www.sfgov.org/dosw

8/18

FIRST 5 SAN FRANCISCO
CHILDREN AND FAMILIES COMMISSION

August 5, 2009

Honorable Gavin Newsom
Mayor, City and County of San Francisco
City Hall, Room 200

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244

Ben Rosenfield, Controller
City Hall, Room 316

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -7 AM 10:01
BY

RE: Adopted Budget for FY 2009-10

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2009-10 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Laurel Kloomok

Laurel Kloomok
Executive Director

cc: Nani Coloretti, Mayor's Office of Public Policy & Finance
Greg Wagner, Mayor's Office of Public Policy & Finance
Thomas DiSanto, Controller's Office – Budget & Analysis Division

8/18

Fine Arts
Museums of
San Francisco

de Young
Legion of Honor

August 5, 2009

Honorable Gavin Newsom
Mayor, City and County of San Francisco
City Hall, Room 200

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244

Ben Rosenfield, Controller
City Hall, Room 316

RE: Adopted Budget for FY 2009-10

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2009-10 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations, barring unforeseen circumstances.

Sincerely,

John E. Buchanan, Jr.
Director of Museums

cc: Nani Coloretti, Mayor's Office of Public Policy & Finance
Greg Wagner, Mayor's Office of Public Policy & Finance
Thomas DiSanto, Controller's Office – Budget & Analysis Division

de Young
Golden Gate Park
50 Hagiwara Tea Garden Drive
San Francisco, CA 94118-4502
Tel 415.750.3600
www.thinker.org

Orig: Orange 8/11
C: Ac
cpage

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

August 5, 2009

The Honorable Gavin Newsom
Mayor, City & County of San Francisco
City Hall, Room 200

The Honorable Board of Supervisors
City Hall, Room 244

Controller's Office
City Hall, Room 316

Subject: Adopted Budget for Fiscal Year 2009/2010

I hereby certify, in conformance with Charter Section 9.115 and Administrative Code Section 3.14, that the funding provided in the budget for Fiscal Year 2009/2010 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Very truly yours,

Angela Calvillo
Clerk of the Board

c: Nani Coloretti, Mayor's Office of Budget & Legislative Affairs
Tom DiSanto, Controller's Office – Budget & Analysis Division

8/18

City and County of San Francisco

Residential Rent Stabilization and Arbitration Board

August 7, 2009

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -7 PM 2:19
BY

The Honorable Gavin Newsom,
Mayor, City and County of San Francisco
City Hall, Room 200

Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall, Room 244

Edward Harrington, Controller
City Hall, Room 316

Subject: Adopted Budget for FY 2009-10

Ladies and Gentlemen:

I hereby certify, in conformance with Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2009-10 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Delene Wolf
Executive Director

cc: Mayor's Budget Director

8/18

San Francisco War Memorial and Performing Arts Center

Owned and Operated by the
City and County of San Francisco

War Memorial Veterans Building
Herbst Theatre/Green Room
War Memorial Opera House
Louise M. Davies Symphony Hall
Harold L. Zellerbach Rehearsal Hall

401 Van Ness Avenue, Suite 110
San Francisco, California 94102
Telephone (415) 621-6600
FAX (415) 621-5091

August 6, 2009

The Honorable Gavin Newsom,
Mayor, City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102-4694

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Ben Rosenfield, Controller
Office of the Controller
1 Dr. Carlton B. Goodlett Place, Room 316
San Francisco, CA 94102-4694

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -7 PM 2:52
BY

Subject: Adopted Budget for Fiscal Year 2009-10

Ladies and Gentlemen:

I hereby certify, in conformance with San Francisco Charter Section 9.115 and San Francisco Administrative Code Section 3.14, that the funding provided in the budget for FY 2009-10 as adopted by the Board of Supervisors is adequate for the War Memorial department to meet service levels as proposed to the Board.

I have also updated information pertaining to membership in professional organizations contracts for professional services and advertising.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Elizabeth Murray
Managing Director

cc: Nani Coloretti, Mayor's Office of Public Policy & Finance
Greg Wagner, Mayor's Office of Public Policy & Finance
Thomas DiSanto, Controller's Office – Budget & Analysis Division

8/18

City and County of San Francisco

Adult Probation Department
Hall of Justice

Protecting the Community, Serving Justice and Changing Lives

PATRICK J. BOYD
Chief Adult Probation Officer

August 5, 2009

The Honorable Gavin Newsom
Mayor, City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102-4694

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Ben Rosenfield, Controller Office
1 Dr. Carlton B. Goodlett Place, Room 312
San Francisco, CA 94102-4694

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -7 PM 2:52
BY

Subject: Adopted Budget for Fiscal Year 2009/2010

Ladies and Gentlemen:

I hereby certify, in conformance with Charter Section 9.115 and Administrative Code Section 3.14 that the funding provided in the budget for Fiscal Year 2009/2010 as adopted by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no request for supplemental appropriations barring unforeseen circumstances.

Sincerely,

Patrick J. Boyd
Chief Adult Probation Officer

Cc: Nani Coloretti, Mayor's Office of Public Policy & Finance
Greg Wagner, Mayor's Office of Public Policy & Fiance
Thomas DiSanto, Controller's Office – Budget & Analysis Division

8/18

SFMTA | Municipal Transportation Agency

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG 10 AM 10: 14
BY RC

August 7, 2009

The Honorable Gavin Newsom
Mayor, City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102-4694

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Benjamin Rosenfield, Controller
1 Dr. Carlton B. Goodlett Place, Room 316
San Francisco, CA 94102-4694

Subject: Amended Budget for Fiscal Year 2009-2010

Dear Madam and Gentlemen:

I hereby certify, in conformance with Charter Section(s) 8.106 and 9.115 and Administrative Code Section 3.14 that the funding provided in the budget for Fiscal Year 2009-2010 as amended by the Board of Supervisors is adequate for my department to meet service levels as proposed to the Board.

I anticipate that I shall make no requests for supplemental appropriations barring unforeseen circumstances.

Very truly yours,

Nathaniel P. Ford Sr.
Executive Director/CEO

cc: Sonali Bose, CFO/Director of Finance and Information Technology, SFMTA
Nani Coloretti, Mayor's Budget Director

BOS-11 page 8/18

SAN FRANCISCO PUBLIC UTILITIES COMMISSION

POWER ENTERPRISE

1155 Market St., 4th Floor, San Francisco, CA 94103 • Tel. (415) 554-0725 • Fax (415) 554-3280 • TTY (415) 554.3488

August 5, 2009

Angela Calvillo
Clerk of the Board
San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Calvillo,

In accordance with San Francisco Administrative Code Section 11.44, the San Francisco Public Utilities Commission (SFPUC) is filing a report with the Board analyzing whether NRG is complying with all provisions of this Chapter and its Franchise, except those addressed by the Controller's Report. At this time, SFPUC cannot identify any Person who may be subject to this Chapter that has not complied with the obligation to obtain a Franchise or pay Franchise Fees.

To the SFPUC's knowledge, there has been no change in ownership of the NRG steam franchise. The Department has not received any complaints about the steam franchise from its users, and the franchise is in compliance with all the required City provisions.

Sincerely,

Camron Samii
San Francisco Public Utilities Commission
Manager, Strategic & Resource Planning, Power Enterprise

cc: Honorable Members, San Francisco Board of Supervisors
Barbara Hale, Assistant General Manager, Power
Ben Carlick, Controller's Audit Division

2

2

Orig + Page 8/18
c: BOS-11
AC Dep, CA, RC

Office of the Mayor
City & County of San Francisco

Gavin Newsom

3

August 6, 2009

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -7 AM 11:17
BY

Ms. Angela Calvillo
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94109

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Carmen Chu as Acting-Mayor from the time I leave the state of California at 11:00AM on Saturday, August 8, 2009, until 10:45AM Sunday, August 9, 2009.

In the event I am delayed, I designate Supervisor Chu to continue to be the Acting-Mayor until my return to California.

Sincerely,

Gavin Newsom
Mayor, City and County of San Francisco

cc: Mr. Dennis Herrera, City Attorney

1 Dr. Carlton B. Goodlett Place, Room 200, San Francisco, California 94102-4641
gavin.newsom@sfgov.org • (415) 554-6141

3

305-11 8/18
GJ, c page

Capital Planning Committee

Edwin M. Lee, City Administrator, Chair

MEMORANDUM

August 4, 2009

To: Supervisor David Chiu, Board President

From: Edwin Lee, City Administrator & Capital Planning Committee Chair

Copy: Members of the Board of Supervisors
Angela Calvillo, Clerk of the Board
Capital Planning Committee

Regarding: Recommendation on Supplemental Appropriation Request for the San Francisco Public Utilities Commission's (SFPUC) Headquarters Building Project at 525 Golden Gate Avenue

---

In accordance with Section 3.21 of the Administrative Code, on August 3, 2009 the Capital Planning Committee (CPC) reviewed materials from the SFPUC. The CPC's recommendations are set forth below.

1. Board File Number TBD: **Ordinance appropriating $146,898,046, including $120,289,000 in Certificates of Participation and $26,609,046 in Hetch Hetchy unappropriated fund balance, to fund construction of the new Public Utilities Commission headquarters building at 525 Golden Gate Avenue in Fiscal Year 2009-2010 and placing $120,289,000 on Controller's reserve pending the sale of Certificates of Participation, and adopting environmental findings.**

Recommendation: Support adoption of the supplemental appropriation request.

Comments: The CPC recommends approval of this item by a vote of 10-0.

Committee members or representatives in favor include: Amy Brown, Deputy City Administrator; Nani Coloretti, Mayor's Budget Director; Darton Ito, Municipal Transportation Agency; David Noyola, Board President's Office; Tina Olson, Port of San Francisco; Rhoda Parhams, Recreation and Parks Department; Ed Reiskin, Department of Public Works; Todd Rydstrom, SFPUC; Nadia Sesay, Controller; and Jackson Wong, San Francisco International Airport.

8/18

Board of Supervisors/BOS/SFGOV
08/07/2009 02:14 PM

To Alistair Gibson/BOS/SFGOV, Rana Calonsag/BOS/SFGOV, Lolita Espinosa/BOS/SFGOV,
cc
bcc
Subject Fw: 20020721-008 Request to First 5 SF

5

"Laurel Kloomok" <laurel@first5sf.org>
08/07/2009 11:31 AM

To "Michela Alioto-Pier" <Michela.Alioto-Pier@sfgov.org>, <Board.of.Supervisors@sfgove.org>
cc "Bill Barnes" <Bill.Barnes@sfgov.org>
Subject 20020721-008 Request to First 5 SF

Dear Supervisor Alioto-Pier,
Please find the attached response to your inquiry on 7-24-09.

Sincerely yours,
Laurel Kloomok

Laurel Kloomok
Executive Director
First 5 San Francisco
T: (415) 554-9250
F: (415) 565-0494
laurel@first5sf.org

Inquiry Supervisor Alioto-Pier.doc

5

August 7, 2009

Dear Supervisor Alioto Pier,

I am responding to your July 24, 2009 inquiry (20090721-008) regarding the Healthy Families Program. Please see my response below. It includes information gathered from First 5 California, First 5 Association and our local First 5 San Francisco.

Healthy Families

The state budget agreement reduces state funding for the Healthy Families Program by $124 million in 2009-10 and assumes that First 5 California will backfill this cut with tobacco tax revenues. Healthy Families stopped enrolling eligible children on July 17, 2009 and will soon have to begin dropping eligible children from the program jeopardizing health coverage for hundreds of thousands of children- unless alternative source of funding is found. On July 15, the state First 5 Commission committed "to join with like minded public and private partners" to provide an unspecified level of financial assistance to Healthy Families, "contingent upon availability of funds".

The Governors line item vetoes included an additional cut of $50 million to state funding for Healthy Families. Combined with cuts already approved by the legislature, this veto increases the total state reduction for Healthy Families to $174 million in 2009-2010.

First 5 California and First 5 Association

Dave Kears, acting Chair of First 5 California, requested a meeting with representatives of the county commissions in the 12 largest population counties. A conference call was held on Monday August 3rd with Executive Director's from LA, San Diego, Orange, Riverside, San Bernardino, Santa Clara, Alameda, Sacramento, Fresno, Contra Costa, Ventura, and San Francisco. Sherry Novick, Executive Director of First 5 Association facilitated the discussion. Kris Perry, Executive Director of First 5 CA also participated.

Commissioner Kears is proposing that county commissions determine an amount they are willing to "put on the table" to help hold the Healthy Families program together for the coming year. He said the state commission has not determined an amount it will pledge and is waiting for more information from MRMIB and others, including foundations and the health plans, about what they will do. He suggested that the health plans could forego the rate increase they were recently given, and MRMIB could find more administrative savings. (Others have suggested MRMIB could make rule changes,

such as increased family fees or fewer benefits, to reduce the deficit.) The main point was that everyone has to come together and see how much can potentially be pledged in aggregate

Sherry Novick attended a meeting at the Governor's office on Wednesday August 5th. Present were representatives of the Governor, the Dept. of Finance, MRMIB, the Speaker of the Assembly, and the Senate President Pro Tem, along with Joe Munso from the Health and Human Services Agency, Dave Kears and Kris Perry from First 5 California. Joe Munso from the Health and Human Services Agency said the administration will send a letter to the Association within a couple days with a specific request for consideration by county commissions.

The following is a list of the issues that are most troubling to the county commissions. These were raised at the last First 5 Association meeting and by members of the Association committee. The questions are a combination of concrete information county commissions need and suggestions of other ways some commissions are thinking about the problem.

Regarding supplantation:

- What is the baseline as of June 30, 2009, that can be used to determine that First 5 is not backfilling, but rather is operating consistent with Rev and Tax Code Section 30131.4? ("...to supplement existing levels of service..." and not "...to supplant state or local General Fund money...")
- Commissions are asking for the baseline stated in terms of both dollars spent on children 0 -5 and number of children 0 – 5 served.
- What are alternative arguments regarding supplantation? (e.g. MRMIB argues that to the extent the state General Fund does not cover all costs, additional funds are supplemental.)
- How can First 5 address the supplantation question, especially given the legislative history and the Governor's veto message that indicate funding was cut with the explicit expectation that First 5 would help fill the gap?
- In FY 2008-09, why was there no waiting list for 6 – 18 if the First 5 contribution went only to 0 – 5 new enrollees? How were the 6 – 18 new enrollees funded?

Regarding cost of program:

- What is the cost per child of Healthy Families? (This includes both the 0 – 1 premium rate and the 2 – 5 rate.)
- Why does the 0 – 5 population account for such a large percentage of the Healthy Families deficit?
- What is the actual percentage of 0 – 5 children in the Healthy Families program? (MRMIB has said 40%, but some counties have come up with a significantly smaller percentage.)
- What are predictable growth rates for the next 2 – 3 years?
- If county commissions are asked to contribute funding for the children from their counties, what would the cost be in 2 – 3 years, assuming the state budget will not re-absorb these costs in the near term?
- How would it be possible to limit the time commitment for a new Healthy Families contribution?
- Some county commissions feel it may be more cost effective to pay the additional costs of moving kids on the waiting list into share-of-cost Medi-Cal? What would those costs be?

Regarding competing demands facing county commissions:

- Some county commissions feel it is more consistent with their mission locally to absorb kids on the Healthy Families waiting list into their Healthy Kids programs. Can Healthy Families be

restructured to allow for draw-down of the federal match on a county-by-county basis, using local funds?
- Some county commissions have already determined other priorities related to the budget cuts.
- County commissions vary widely in the amount of funding they have access to, given current commitments and current revenues.

Other issues:
- Is it possible under federal and state law to cover all 0 – 5 kids in Healthy Families, even if there is insufficient funding to cover kids 6 – 18?

First 5 San Francisco

First 5 San Francisco's Commission is very concerned about the impacts of the state and local budget crisis on children birth to five and their families. Last year, First 5 SF granted the city an additional $2.3 million dollars to help with the city's deficit. In addition, First 5 SF helped secure funding for MRMIB Healthy Families mid year reductions with a $160,000 contribution.

This year the Commission agreed to maintain funding for all of our programs given the city's continued deficit and our partner agencies 25% budget reductions. We also agreed to continue funding Healthy Kids at a increased amount, to oversee the city's interdepartmental family resource center alignment initiative, to convene the city's early childhood public and private funders for systems planning and to participate in the Pre k to third grade initiative with SFUSD and the Haas Jr. Fund.

First 5 San Francisco recognizes that ensuring children's healthy development depends upon achieving success within four closely connected areas:

Improved Child Health
Enhanced Child Development
Improved Family Functioning
Improved Systems of Care

First 5 SF Strategic Plan outlines the desired outcomes and planned strategies for each result area. The desired outcomes for Improved Child Health are:

- Children are physically and emotionally healthy
- Children have health insurance and utilize comprehensive health care
- Children with special needs are identified early and linked to appropriate services.

In First 5 SF's FY 09-10 budget, **$3,889, 848** million was allocated for the Improved Child Health Result Area. Funded Strategies included:

- San Francisco Health Plan – Healthy Kids
- San Francisco Department of Public Health, Division of Maternal, Child, and Adolescent Health - Child Care Health Project
- San Francisco Department of Public Health – Early Childhood Mental Health Consultation Initiative
- San Francisco General Hospital Department of Pediatrics– Multi-Disciplinary Assessment Center
- Homeless Prenatal Program - Prenatal to Three Pilot Initiative
- Support for Families of Children with Disabilities - High Risk Infant Inter-Agency Council

- Preschool For All Inclusion and Screening Program

Faced with declining revenues, First 5 SF developed a long range sustainability plan that calls for a $1 million budget reduction in 2010 and another $1 million reduction in 2013. This long range plan takes the Commission through June 30, 2015 with an annual budget of approximately $9 million and a one year bridge reserve fund.

First 5 San Francisco is working closely with the First 5 Association and with First 5 California and awaits the letter from Joe Munso. Our Commission, like many other County Commissions, is gathering addition information about the issues stated above and is waiting to see what other partners come to the table regarding Healthy Families. Given our budget scenario, any additional budget allocation will have an impact on our approved annual budget and our sustainability plan and will need to be seriously considered.

In discussion with DPH, approximately 7 birth to one year olds and 68 one to five year olds will be placed on the waiting list each month. DPH determined the cost to be $160,000 per year. This doesn't include any children that would be disenrolled.

The Commission will consider this issue at its August 12 and September 2 Commission meetings and will work closely with the Department of Public Health and the San Francisco Health Plan. We will also discuss the supplantation issues with our city attorney.

Please feel free to contact me with any questions or concerns. I will keep you abreast about our Commission's decisions.

Very truly yours,

Laurel Kloomok
Executive Director
First 5 San Francisco

BOS-11, AC
page 8/18

CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM
MAYOR

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -7 AM 10:01

August 6, 2009

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: SURVEY OF MONTHLY RATES PAID TO POLICE OFFICERS AND FIREFIGHTERS IN ALL CITIES OF 350,000 OR MORE IN THE STATE OF CALIFORNIA.

(6)

At its meeting of **August 3, 2009** the Civil Service Commission had for its consideration the above matter.

It was the decision of the Commission to adopt the report. Transmit rates to the Retirement System in accordance with Charter Section A8.590-1-A8.590-7; Provide report to the Board of Supervisors.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

Anita Sanchez

ANITA SANCHEZ
Executive Officer

Attachment

c: Micki Callahan, Human Resources Director
Angela Calvillo, Clerk, Board of Supervisors (with Survey attached)
Rich David, Department of Human Resources
Gary Delagnes, Police Officers Association, 510 – 7th Street, S.F., CA 94103
Chief Heather Fong, San Francisco Police Department
Martin Gran, Department of Human Resources
John Hanley, S.F. Firefighters, Local 798, 1139 Mission St, S.F., CA 94103
Chief Joanne Hayes-White, San Francisco Fire Department
Jessica Huey, Department of Human Resources
Patti Martin, Department of Human Resources
Clare Murphy, Employee Retirement System
Steven Ponder, Department of Human Resources
Rebecca Rhine, Municipal Executives Assoc., 870 Market Street, Rm. 450, S.F., CA 94147-4146
Commission File
Chron

(6)

CIVIL SERVICE COMMISSION

1. CIVIL SERVICE COMMISSION REGISTER NUMBER: 0233-09-01

2. FOR CIVIL SERVICE COMMISSION MEETING OF: August 3, 2009

3. CHECK ONE: CONSENT AGENDA ☒

   REGULAR AGENDA ☐

4. SUBJECT: SURVEY OF MONTHLY RATES PAID TO POLICE OFFICERS AND FIREFIGHTERS IN ALL CITIES OF 350,000 OR MORE IN THE STATE OF CALIFORNIA

5. RECOMMMENDATION: ADOPT REPORT; TRANSMIT RATES TO THE RETIREMENT SYSTEM IN ACCORDANCE WITH CHARTER SECTION A8.590.1-A8.590-7; PROVIDE REPORT TO THE BOARD OF SUPERVISORS.

6. REPORT PREPARED BY: Rich David TELEPHONE NUMBER: 557-4965

7. NOTIFICATIONS: SEE ATTACHED

8. REVIEWED AND APPROVED FOR CIVIL SERVICE AGENDA:

   HUMAN RESOURCES DIRECTOR: _____

   DATE: 7/16/09

9. SUBMIT THE ORIGINAL TIME-STAMPED COPY OF THIS FORM AND PERSONS TO BE NOTIFIED (SEE ITEM 7 ABOVE) ALONG WITH THE REQUIRED COPIES OF THE REPORT TO:

   EXECUTIVE OFFICER
   CIVIL SERVICE COMMISSION
   25 VAN NESS, ROOM 720
   SAN FRANCISCO, CA 94102

10. RECEIPT-STAMP THIS FORM IN THE "CSC RECEIPT STAMP" BOX TO THE RIGHT USING THE TIME-STAMP IN THE CSC OFFICE.

ATTACHMENT

CSC RECEIPT STAMP

NOTIFICATIONS:

Chief Joanne Hayes-White
San Francisco Fire Department
698 2nd Street
San Francisco, CA 94107

Chief Heather Fong
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103

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San Francisco Police Officers
Association
510 Seventh Street
San Francisco, CA 94103

John Hanley, President
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One South Van Ness Avenue, 4th Floor
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San Francisco, CA 94147-4146

Patti Martin
Departmental Personnel Officer
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

City and County of San Francisco

Gavin Newsom
Mayor

Department of Human Resources

Micki Callahan
Human Resources Director

DATE: August 03, 2009

TO: The Honorable Civil Service Commission

FROM: Micki Callahan, Human Resources Director

SUBJECT: SURVEY OF MONTHLY RATES PAID TO POLICE OFFICERS AND FIREFIGHTERS IN ALL CITIES OF 350,000 OR MORE IN THE STATE OF CALIFORNIA.

RECOMMENDATION: ADOPT REPORT; TRANSMIT RATES TO THE RETIREMENT SYSTEM IN ACCORDANCE WITH CHARTER SECTION A8.590-1 THROUGH A8.590-7. PROVIDE REPORT TO THE BOARD OF SUPERVISORS.

BACKGROUND AND ISSUES

In November 1990, the electorate passed Proposition D, which allows for collective bargaining to set wages and working conditions of the uniformed force of the Police and Fire Departments. Charter Sections A8.590-1 through A8.590-7 require that the rates of pay for retired Police Officers and Firefighters shall be based on rates that are not lower than the rates that would be established if Charter Section A8.405 were still in effect.

Per Section A8.405 of the Charter, the staff has surveyed rates of compensation paid Police Officers and Firefighters in all cities of 350,000 population or more in the State of California based on the 2000 federal decennial census. The cities used in the survey are Fresno, Long Beach, Los Angeles, Oakland, Sacramento, San Diego, and San Jose. Staff also surveyed compensation paid for police two-wheeled motorcycle duty in these same cities. The results of our survey are attached.

THE FINDINGS

As of July 1, 2009, the average maximum monthly wage for Police Officers in our survey is $6,872 per month. This is $1,515 less than the maximum monthly wage currently paid to San Francisco Police Officers. This average maximum monthly rate of $6,872 is 22.05% below the $8,387 maximum monthly rate for San Francisco Police Officers. The rates of pay for Police Department classes, if A8.405 were in effect, are shown in the tables following the survey results.

For Firefighters, the average maximum monthly rate in our survey, as of July 1, 2009, is $6,618, or $1,770 less than the maximum monthly rate paid to San Francisco Firefighters. Since the maximum monthly rate paid to San Francisco Firefighters has long been above the average of the surveyed cities, the A8.405 rates for Firefighters are based on the increase provided to the Police classes, according to A8.405(d). The A8.405 rates of pay for Firefighter classes are shown in the tables following the survey results.

Since the Bureau of Labor Statistics changed the reporting period for the San Francisco metropolitan area Consumer Price Index from monthly to bimonthly, we can no longer report the March to March change as provided in the Charter. Therefore, the February CPI rates for San Francisco and the other surveyed cities are indicated in this report. The cost of living for San Francisco increased by 0.88% and the average increase in cost of living for cities surveyed was .82%. There is a 0.06% difference between the cost of living increase for San Francisco and the cost of living for the cities surveyed.

Section 4 E of the 2007-2012 Memorandum of Understanding between the City and County of San Francisco and the San Francisco Police Officers' Association provides that "members assigned to the Motorcycle and Honda units shall continue to receive a premium in an amount in accord with current practice pursuant to Charter Section A8.405(b)." The survey results show the average monthly Motorcycle Pay for two-wheel motorcycle traffic duty is $408 per month. The current rate being paid to San Francisco Police Officers is $393 per month.

In conclusion, the collectively bargained monthly rates for the Police Officers and Firefighters exceed the maximum monthly rates if Charter Section A8.405 were still in effect.

RECOMMENDATION

It is recommended that the Civil Service Commission approve and transmit to the Retirement System and to the Board of Supervisors this survey of rates certified in the attached report in accordance with Charter Sections A8.405 and A8.590-1 through A8.590-7.

Respectfully Submitted,

Steven Ponder
Classification and
Compensation Manager

City and County of San Francico
POLICE OFFICER SALARY SURVEY

Rates of Pay Effective July 1, 2009

City	Class Title	MC Pay*	Number of Positions	Monthly Salary Minimum	Monthly Salary Maximum
San Francisco	Police Officer	$393	1,766	$6,643	$8,387
Fresno	Police Officer	$275	687	$4,973	$6,348
Long Beach	Police Officer	$350	800	$5,202	$6,441
Los Angeles	Police Officer	$771	3,457	$5,019	$6,673
Oakland	Police Officer	$377	638	$5,987	$7,546
Sacramento	Police Officer	---	520	$4,648	$5,650
San Diego	Police Officer	$226	1,600	$5,324	$6,448
San Jose	Police Officer	$450	1,034	$6,720	$8,999
Average of Other Cities		$408		$5,410	$6,872
* Two-Wheeled Motorcycle Pay					
San Francisco maximum rate exceeds the Average of Other Cities by:					22.05%

City and County of San Francisco
FIREFIGHTER SALARY SURVEY

Rates of Pay Effective July 1, 2009

City	Class Title	Number of Positions	Monthly Salary	
			Minimum	Maximum
San Francisco	Firefighter	821	$5,991	$8,387
Fresno	Firefighter	117	$4,726	$6,035
Long Beach	Firefighter	228	$4,936	$6,062
Los Angeles	Firefighter	1,760	$5,537	$6,901
Oakland	Firefighter	310	$6,395	$8,416
Sacramento	Firefighter	326	$4,461	$5,423
San Diego	Firefighter	421	$4,392	$5,300
San Jose	Firefighter	286	$6,107	$8,187
Average of Other Cities:			$5,222	$6,618
San Francisco maximum rate exceeds Average of Other Cities by:				26.74%

CONSUMER PRICE INDEX
Urban Wage Earners and Clerical Workers

City	February 2008*	February 2009*	Percent Increase	
San Francisco	214.9	216.8	0.88%	
Long Beach	214.2	213.2	-0.47%	
Los Angeles	214.2	213.2	-0.47%	
Oakland	214.9	216.8	0.88%	
**San Diego	219.6	226.8	3.29%	
San Jose	214.9	216.8	0.88%	
The average cost of living in all other cities increased by:				0.82%
The cost of living in San Francisco increased by:				0.88%

Note:

The Bureau of Labor Statistics does not compile cost-of-living indexes for Sacramento and Fresno.

* The reporting period for the San Francisco-Oakland-San Jose metropolitan area changed several years ago from monthly to bi-monthly. The rates shown reflect the CPI in February of each year. To maintain consistency, the February CPI rates are indicated for Los Angeles and Long Beach.

** The Bureau of Labor Statistics publishes only a semi-annual rate for San Diego. As such, the CPI data listed for San Diego is the 2nd half of 2007 and the 2nd half of 2008, using Urban Wage Earners and Clerical Workers

A8.405 Rates of Pay for Police Classes

Effective Date Percent increase				July 1, 2009 5.61% Biweekly	Monthly
0390	Chief of Police			$8,494	$18,474
0395	Assistant Chief			$7,541	$16,402
0380	Inspector			$3,664	$7,970
0381	Inspector II			$3,809	$8,285
0382	Inspector III			$3,884	$8,448
0400	Deputy Chief			$7,149	$15,550
0401	Deputy Chief II			$7,435	$16,171
0402	Deputy Chief III			$7,580	$16,486
0488	Commander			$5,811	$12,640
0489	Commander II			$6,044	$13,145
0490	Commander III			$6,160	$13,399
Q 35	Assistant Inspector			$3,386	$7,364
Q 35	Assistant Inspector (with 2 years svc)			$3,664	$7,970
Q 36	Assistant Inspector II			$3,521	$7,659
Q 36	Assistant Inspector II (with 2 years svc)			$3,809	$8,285
Q 37	Assistant Inspector III			$3,591	$7,810
Q 37	Assistant Inspector III (with 2 years svc)			$3,884	$8,448
Q 50	Sergeant			$3,664	$7,970
Q 51	Sergeant II			$3,809	$8,285
Q 52	Sergeant III			$3,884	$8,448
Q 60	Lieutenant			$4,183	$9,099
Q 61	Lieutenant II			$4,353	$9,467
Q 62	Lieutenant III			$4,435	$9,647
Q 63	Criminologist			$4,915	$10,690
Q 80	Captain			$4,915	$10,690
Q 81	Captain II			$5,110	$11,115
Q 82	Captain III			$5,211	$11,333
Q 90	Dir, Police Psych			$5,137	$11,172
		Pre-7/1/1996	7/1/96 to present		
Q 2	Police Officer	–	1st year	$2,406	$5,233
		1st year	2nd year	$2,731	$5,940
		2nd year	3rd year	$2,865	$6,232
		3rd year	4th year	$3,006	$6,539
		4th year	5th year	$3,160	$6,872
		Pre-7/1/1996	7/1/96 to present		
Q 3	Police Officer II	–	1st year	$2,503	$5,443
		1st year	2nd year	$2,838	$6,173
		2nd year	3rd year	$2,979	$6,480
		3rd year	4th year	$3,127	$6,801
		4th year	5th year	$3,285	$7,145
		Pre-7/1/1996	7/1/96 to present		
Q 4	Police Officer III	–	1st year	$2,550	$5,547
		1st year	2nd year	$2,892	$6,291
		2nd year	3rd year	$3,038	$6,608
		3rd year	4th year	$3,186	$6,930
		4th year	5th year	$3,349	$7,284

A8.405 Rates of Pay for Fire Classes

Effective Date Percent increase				July 1, 2009 5.61% Biweekly	 Monthly
0140	Chief of Department			$8,494	$18,474
0150	Deputy Chief of Department			$7,149	$15,550
H 51	Assistant Deputy Chief II			$5,813	$12,643
H 53	Emergency Medical Services Chief			$5,813	$12,643
H 4	Inspector, Bureau of Fire Prevention and Public Safety			$3,778	$8,218
H 6	Investigator, Bureau of Fire Investigation			$3,778	$8,218
H 10	Chief's Operator			$3,439	$7,480
H 16	Technical Training Specialist			$3,662	$7,964
H 18	Coordinator of Community Service			$3,662	$7,964
H 19	Operations-Training Supervisor, Airport			$3,662	$7,964
H 20	Lieutenant			$3,665	$7,972
H 22	Lieutenant, Bureau of Fire Prevention and Public Safety			$4,140	$9,004
H 24	Lieutenant, Bureau of Fire Investigation			$4,140	$9,004
H 28	Lieutenant, Division of Training			$4,183	$9,099
H 30	Captain			$4,184	$9,101
H 32	Captain, Bureau of Fire Prevention and Public Safety			$4,732	$10,293
H 33	EMS Captain			$4,184	$9,101
H 39	Captain, Division of Training			$5,025	$10,930
H 40	Battalion Chief			$5,027	$10,934
H 43	EMS Section Chief			$5,027	$10,934
H 50	Assistant Chief of Department			$5,811	$12,640
H110	Marine Engineer of Fire Boats			$4,183	$9,099
H120	Pilot of Fire Boats			$4,183	$9,099
H 2	Firefighter	Pre-7/1/1996	7/1/96 to present		
		--	1st year	$2,406	$5,233
		1st year	2nd year	$2,731	$5,940
		2nd year	3rd year	$2,865	$6,232
		3rd year	4th year	$3,006	$6,539
		4th year	5th year	$3,160	$6,872
H 3	Firefighter/Paramedic			$3,650	$7,939

A8.405 Rates of Pay for Abolished Police and Fire Classes

Effective Date			July 1, 2009	
Percent increase			**5.61%**	
			Biweekly	Monthly
Police Department				
0360	Chief of Inspectors		$7,149	$15,550
0420	Department Secretary		$5,811	$12,640
0460	Secretary, Police Commission		$4,183	$9,099
0470	Supervising Captain		$5,811	$12,640
0480	Director of Traffic		$7,149	$15,550
0485	Supervising Captain of Patrol		$5,811	$12,640
0490	Captain of Traffic		$5,280	$11,485
0520	Police Surgeon		$3,160	$6,872
Q20	Police Woman	**Pre-7/1/1996**	**7/1/96 to present**	
		--	1st year	$2,406 $5,233
		1st year	2nd year	$2,731 $5,940
		2nd year	3rd year	$2,865 $6,232
		3rd year	4th year	$3,006 $6,539
		4th year	5th year	$3,160 $6,872
Fire Department				
0145	Assistant Deputy Chief		$7,149	$15,548
0155	Secretary to the Chief of Department		$5,625	$12,235
H 17	Medical Coordinator		$3,662	$7,964
H 29	Special Svcs. Officer		$4,183	$9,099

8/18

Barbara Carr/ELECTIONS/SFGOV
08/07/2009 02:05 PM

To Board of Supervisors/BOS/SFGOV@SFGOV
cc BOS-Legislative Aides/BOS/SFGOV, Angela Calvillo/BOS/SFGOV@SFGOV, John Arntz/ELECTIONS/SFGOV@SFGOV
bcc
Subject Disclaimer Requirements for Local Ballot Measures: Endorse, Oppose or Take No Position on a Measure (Municipal Election Code (MEC) Section 500(c)(8))

A copy of the attached memorandum will be delivered to each Member of the Board of Supervisors today.

Please feel free to contact me with any questions.

7

BOS Disclaimer Memo.doc

Barbara Carr
San Francisco Department of Elections
voice: 415-554-6105
fax: 415-554-7257

7

DEPARTMENT OF ELECTIONS
City and County of San Francisco
sfelections.org

John Arntz
Director

Memorandum

To: **Honorable Members, Board of Supervisors**

From: **John Arntz, Director of Elections**

Date: **August 7, 2009**

RE: **Disclaimer Requirements for Local Ballot Measures: Endorse, Oppose or Take No Position on a Measure (Municipal Elections Code (MEC) Section 500(c)(8))**

The Department of Elections must print a disclaimer in the Voter Information Pamphlet before any opponent, proponent or rebuttal argument that has been authorized by motion by the Board of Supervisors and submitted by the Board of Supervisors or by one or more Members of the Board for or against any measure (Municipal Elections Code Section 500 (c) (8)). The disclaimer indicates which Supervisors endorse the measure, oppose the measure, or take no position on the measure.

Each Supervisor must notify the Department of Elections in writing of his or her position on each measure for which the Board or a Member or Members authorized by motion will submit a proponent, opponent or rebuttal argument. For the November 3, 2009 election, the notification deadline is 5:00 p.m. on Thursday, August 13. **Please understand that, if a Supervisor has not submitted his or her positions by this deadline, the Department of Elections will be required to print that the Supervisor takes no position on each measure.** The Department has no discretion in this matter.

Once the motion authorizing submissions of arguments has been adopted, we will send a form that may be used to indicate that the Supervisor wishes to endorse, oppose or take no position on each measure for which argument submissions have been authorized. The form will be provided for convenience; written positions on the proposed measures may be submitted in another format.

If you have any questions, please contact Barbara Carr at 415-554-6105.

J.P.A.

Voice (415) 554-4375
Fax (415) 554-7344

1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94102-4634

Vote-by-Mail Fax (415) 554-4372
TTY (415) 554-4386

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8/18

Superior Court of California
County of San Francisco

GORDON PARK-LI
CHIEF EXECUTIVE OFFICER

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -7 AM 9:52
BY

August 5, 2009

Hon. Gavin Newsom, Mayor
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102-4694

Ms. Angela Calvillo, Clerk of the Board of Supervisors
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Mr. Ben Rosenfield, Controller
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 312
San Francisco, CA 94102-4694

Subject: Adopted Budget for Fiscal Year 2009/2010

Ladies and Gentlemen:

As you are aware, the Superior Court, as the judicial branch of government, is directly funded by the State of California for court operations as defined in Government Code Section 77003, while the City & County funds the Court to manage the City & County-responsible, non-Court functions of indigent defense and the civil grand jury.

You are further aware that during budget hearings, the proposed City & County allocation to the Court for indigent defense was reduced by $2.1 million, resulting in a year-over-year decrease of $900,000. This reduction places the City & County in a position of underfunding legal representation for those defendants whom the Public Defender cannot defend due to a conflict of interest. These cases have experienced a 30 percent increase over the past two years, and with the expected continuation of this trend, the City & County's funding reduction to the indigent defense program cannot be sustained. Because of this, the Court cannot provide a Charter Section 9.115 and Administrative Code Section 3.14 certification that funding provided to the Court in the City & County's budget for Fiscal Year 2009-10, as adopted by the Board of Supervisors and executed by the Mayor, is adequate for the Court to meet the service levels of the City & County-responsible and constitutionally-mandated function of indigent defense as originally proposed to the Board.

8

400 McAllister Street
San Francisco, CA 94102-4514
(415) 551-5737
Fax (415) 551-5701

The Court anticipates submitting a mid-year supplemental appropriation request for additional funding for indigent defense. This action will be taken not only because the Court seeks to ensure defendants have adequate legal representation, but also to ensure that the City & County meets its mandated responsibility.

Very truly yours,

Gordon Park-Li
Chief Executive Officer

cc: Ms. Nani Coloretti, Director, Mayor's Office of Public Policy & Finance, City & County of San Francisco
Mr. Greg Wagner, Deputy Director, Mayor's Office of Public Policy & Finance, City & County of San Francisco
Mr. Thomas DiSanto, Manager, Controller's Office – Budget & Analysis Division, City & County of San Francisco
Hon. James J. McBride, Presiding Judge, Superior Court of California, County of San Francisco
Hon. Katherine Feinstein, Assistant Presiding Judge, Superior Court of California, County of San Francisco
Hon. Charles F. Haines, Supervising Judge – Criminal Division, Superior Court of California, County of San Francisco
Mr. Michael Yuen, Chief Financial Officer, Superior Court of California, County of San Francisco

8/12

To: Angela Calvillo,
Clerk of the Board
From: Office of the Controller
City Services Auditor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -5 PM 3:16
BY

City and County of San Francisco

Office of the Controller – City Services Auditor

DEPARTMENT OF PUBLIC HEALTH:

9

Monitoring of A-133 Single Audit Reports for Agencies Awarded Federal Funds by DPH in Fiscal Year 2007-08

Document is available at the Clerk's Office Room 244, City Hall

August 5, 2009

9

8/18

T-Mobile

T-Mobile West Corporation d/b/a T-Mobile
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

July 24, 2009

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

10

RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF13115B

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

☒ (a) T-Mobile has obtained all requisite land use approvals for the project described in Attachment A.

☐ (b) No land use approval is required because

_____

_____

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Joni Norman, Senior Development Manager for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Sincerely,

Joni Norman
Sr. Development Manager
T-Mobile West Corporation dba T-Mobile

Enclosed: Attachment A

cc: Attn: City Administrator, City & County of San Francisco, 1 Dr. Carlton B Goodlett Pl Rm 244, San Francisco, CA 94102
Attn: Clerk of the Board, City & County of San Francisco, 1 Dr. Carlton B Goodlett Pl Rm 244, San Francisco, CA 94102
Attn: Planning Director, City & County of San Francisco, 1 Dr. Carlton B Goodlett Pl Rm 244, San Francisco, CA 94102

10

ATTACHMENT A

1. Project Location

Site Identification Number: SF13115B

Site Name: The Anchorage

Site Address: 500 Beach Street

County: San Francisco

Assessor's Parcel Number: 0011-008

Latitude: 37.482695

Longitude: -122.250419

2. Project Description

Number of Antennas to be installed: Five antennas

Tower Design: Antennas to be mounted on top level walls of existing parking garage.

Tower Appearance: Antennas mounted on walls, painted to match building and FRP screen.

Tower Height: Building (rooftop): 45'7"; Antenna Height: 5'4" (Total AGL: 51'1')

Size of Building: 4-story private parking garage building is approximately 231,000 square feet.

3. Business Addresses of all Governmental Agencies

City & County of San Francisco
Attn: City Administrator
1 Dr. Carlton B Goodlett Pl
Rm 244
San Francisco, CA 94102

City & County of San Francisco
Attn: Clerk of the Board
1 Dr. Carlton B Goodlett Pl
Rm 244
San Francisco, CA 94102

City & County of San Francisco
Attn: Planning Director
1 Dr. Carlton B Goodlett Pl
Rm 244
San Francisco, CA 94102

4. Land Use Approvals

Date Zoning Approval Issued: 6/29/09

Land Use Permit #: 2009.0629.1568

If Land use Approval was not required: n/a

B+F Comm Clk 8/18
B+F Members
cpage

Debbie Toy, Executive Assistant to Monique Zmuda, Deputy Controller
CCSF, Office of the Controller
1 Dr. Carlton B. Goodlett Place
City Hall, Room 316
San Francisco, CA 94102
Tel. 415-554-7500
Fax. 415-554-7466
Email: debbie.toy@sfgov.org
----- Forwarded by Debbie Toy/CON/SFGOV on 08/05/2009 10:29 AM -----

Controller
Reports/CON/SFGOV
Sent by: Maura Lane

08/04/2009 02:32 PM

To Angela Calvillo/BOS/SFGOV, BOS-Supervisors/BOS/SFGOV, Nani Coloretti/MAYOR/SFGOV, Harvey Rose/BudgetAnalyst/SFGOV, Steve Kawa/MAYOR/SFGOV, Nathan Ballard/MAYOR/SFGOV

cc

Subject State Budget Impact - Preliminary Report from the Controller's Office

Section 9.2 of the FY 2009-10 Annual Appropriation Ordinance (AAO) requires the Controller to issue a report to the Mayor and Board of Supervisors within one week of the adoption of the State budget with an

11

estimate of the State revenue impact on the City's General Fund budget.

The preliminary report is attached.

state.budget_20090804143825_000.PDF

Orig: Budget Committee
Bud+Fin Members
C: Cpage

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller

Monique Zmuda
Deputy Controller

TO: Mayor Gavin Newsom
Board of Supervisors

FROM: Ben Rosenfield, Controller

DATE: August 4, 2009

SUBJECT: State Budget Impact – Preliminary Report

Section 9.3 of the FY 2009-10 Annual Appropriation Ordinance (AAO) requires the Controller to issue a report to the Mayor and Board of Supervisors within one week of the adoption of the State budget with an estimate of the State revenue impact on the City's General Fund budget.

The FY 2009-10 AAO includes an allowance of $18.0 million for potential state revenue reductions. As shown on the attached summary, we currently estimate the impacts of the State's FY 2009-10 budget amendments signed July 28, 2009 on the City's general fund to be $36.4 million as a result of State funding reductions to general fund programs. There are also unknown potential costs related to many other State programmatic changes.

In addition, there is a potential $14.5 million general fund impact from the State's shift of Redevelopment property tax increment funds and $72.4 million from the State's Proposition 1A borrowing of property tax revenues, making a combined potential general fund impact of $123.3 million.

Taking into account adjustments to baselines and set-asides, the property tax-related actions would also potentially reduce funding to the MTA by $9.0 million, and to the Library Fund, Children's Fund and Open Space Fund by a combined total of $13.7 million. We are investigating the potential for financing the Redevelopment tax increment shift and Proposition 1A borrowing in ways that could reduce or eliminate the current county impact.

There are large uncertainties regarding these estimates due to lawsuits challenging State actions and pending finalization of potential financing mechanisms, formulas and other programmatic details that will affect San Francisco's funding levels.

Given the uncertainties, we regard this report as preliminary and plan to submit an updated report to the Mayor and Board of Supervisors by September 14, 2009. The updated report will trigger the FY 2009-10 AAO provision requiring the Mayor's office to issue a report to the Board of Supervisors outlining a plan to address the shortfall within 21 days.

Highlights of the local general fund impacts include:

- Estimated $19.8 million reductions to Department of Public Health programs, including $8.6 million in Medi-cal reductions, $4.6 million in State Office of AIDS reductions, $2.9 million Proposition 36 drug treatment funds, $1.9 million reduced state support for Healthy Families, $1.2 million Proposition 99 funds for County Health Services, and $0.6 million in reduced funding for other public health programs.

- Estimated $16.1 million reductions to Human Services programs, including $9.0 million in CalWorks employment services and childcare funding, $2.8 million in shelter and other employment services funding, $4.5 million in Child Welfare Services cuts, $2.4 million in Medi-cal administration funding and $0.5 million in Aging grants to provide services to seniors and adults with disabilities, offset by $3.1 million in potential net savings from the county share of reduced service hours provided to In-Home Support Services clients.

- Estimated $0.5 million in reduced funds to the County Sheriff's office for court security due to Court closures one day per month. In addition, the Sheriff's office faces unknown but potentially substantial costs from increased county jail populations as a result of cuts to the State Department of Corrections budget and court closures.

- A lawsuit pending in federal court challenges the ability of the State to reduce wages to In-Home Support Services providers without meeting certain federal guidelines, and has resulted in a stay of the State's budgeted reduction in support for IHSS wages. Should the State lose the lawsuit, the general fund is expected to save approximately $1 million per month that the State is required to maintain existing wage support levels. However, those savings could be offset by other programmatic reductions that the State might carry out to make up for its increased wage costs.

If you have any questions, please contact me or Leo Levenson, Budget and Analysis Division Director, at (415) 554-4809.

FY 2009-10 Local Impact of July 2009 State Budget Adjustments, *$ Millions*

Information Available as of 8/4/09

State Budget Item	Savings/ (Cost)
Public Health	
Statewide Medi-Cal reductions	(8.6)
State Office of AIDS reductions	(4.6)
Eliminates funding for Prop 36 Substance Abuse Treatment & Crime Prevention and Substance Abuse Offender Treatment (treatment-not-jail program)	(2.9)
Reduced state support state support for Healthy Families	(1.9)
Elimination of Prop. 99 funds for County Health Services	(1.2)
Elimination of funds for Immunization Program; Maternal, Child and Adolescent Health Program; and Children's Dental Disease Prevention Program	(0.6)
Subtotal - Public Health	**(19.8)**
Human Services Agency (HSA)	
IHSS eligibility reductions. Fewer service hours would result in estimated $4.1M GF savings on county share of wages, offset by potential loss of $1M to DPH from reduced number of providers participating in San Franciso Health Plan	3.1
CalWORKs: Welfare to Work employment services and childcare services 26% cuts	(9.0)
TANF Shelter Funds and Subsidized Employment - Maintenance of Effort Requirement	(2.8)
CWS: Child Welfare Services Allocation reduction and adjustments to provider rates	(4.5)
Medi-cal Administration 6.7% Cut and potential cuts to CalWIN and CWS/CMS welfare information systems maintenance allocations	(2.4)
Eliminate California Department of Aging support for Linkages case management program and Community Based Services Programs, including Alzheimer's Day Resource Center, Brown Bag, Respite Purchase of Services and Senior Companion Programs	(0.5)
Subtotal - Human Services Agency	**(16.1)**
Public Safety	
Court furloughs 1 day/month reducing security work order with Sheriff	(0.5)
State reductions to Corrections budget that may result in earlier releases and shifts of prisoners to county jails plus court closure impacts to inmate census	unknown
Subtotal Not Including Property Tax Borrowing/Shifts	**(36.4)**
San Francisco Redevelopment Agency Tax Increment shift to ERAF (potential to finance)	
Net General Fund Share after baseline transfer adjustments	(14.5)
MTA share (from reduced baseline transfer)	(1.5)
Children's Fund/Open Space Fund/Library Fund combined share (from reduced property tax set-asides and baseline transfer)	(2.6)
Subtotal - Redevelopment Tax Increment Shift (all funds)	**(18.6)**
Proposition 1A 8% Property Tax Borrowing by State ~ $91M (potential to finance)	
Net General Fund Share (after baseline transfer adjustments)	(72.4)
MTA share (from reduced baseline transfer)	(7.5)
Children's Fund/Open Space Fund/Library Fund combined share (from reduced property tax set-asides and baseline transfer	(11.1)
Subtotal - Proposition 1A Borrowing (all funds)	**(91.0)**
Total Potential State Impacts (General Fund)	**(123.3)**
Total Potential State Impacts (All Funds)	**(146.0)**

C: BOS-11 8/18

FROM:
Mary Miles (State Bar #230395)
Attorney at Law
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO:
President David Chiu and Members
San Francisco Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

12

DATE: August 4, 2009

BY HAND DELIVERY

COMMENT IN SUPPORT OF APPEAL OF CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT (EIR) BY THE SAN FRANCISCO PLANNING COMMISSION ON JUNE 25, 2009, AND OPPOSING ACTIONS APPROVING, ADOPTING, OR IMPLEMENTING THE SAN FRANCISCO BICYCLE PLAN PROJECT

Board of Supervisors File No's. 090912, 090913, 090914, and 090915; 090867 and 090868; Agenda Items: 18 (090912); 19 (090913); 20 (090914); 21 (090915; 22 (090867); and 23 (090868)
References: Planning Commission Motion No. 17912 [Certifying the Final Environmental Impact Report], Resolutions 17913, 17914, and 17915 [Recommending Approval of Portions of the Project] adopted June 25, 2009; MTA Board Resolutions 09-105 and 09-106, adopted June 26, 2009 [Recommending Approval of and Provisionally Approving Portions of the Project].

Dear President Chiu and Members:

This is public comment ("Comment") on behalf of Appellant Coalition for Adequate Review ("Coalition" or "Appellant") in support of the Coalition's Appeal of the certification of the EIR by the San Francisco Planning Commission and other actions to approve or adopt the San Francisco Bicycle Plan Project ("the Project"). Copies of this Comment are provided to each Supervisor. A complete copy of this Comment with referenced attachments is provided for the Clerk's File. Appellant has previously submitted comments and requests for continuance and recirculation, all of which are incorporated by reference into this Comment, along with the Notice of Appeal.

In June, 2005, after the Board of Supervisors dismissed the Coalition's public comment and voted unanimously to adopt the Project, the Coalition sued the City, asserting, among other

12

things, that the City failed to conduct environmental review of the Project. The Court ultimately agreed and issued a Peremptory Writ of Mandate ordering the City to comply with the California Environmental Quality Act ("CEQA," Pub. Res. Code §§21000 *et seq.*) When, in spite of the litigation, the City continued implementing this Project on several City streets, the Coalition successfully sought a preliminary injunction, which was granted on June 20, 2006, and became a permanent injunction with the Court's Order of November 7, 2006, and Judgment of June 25, 2007. City's two attempts to "modify" the Court's injunction were largely unsuccessful, and the injunction, Judgment, Order, and Peremptory Writ of Mandate remain in effect today.

The massive EIR and thousands of pages of documents certified by the Planning Commission on June 25, 2009, do not comply with CEQA. The EIR does not mitigate or eliminate significant impacts of the proposed Project, fails to disclose a number of the Project's significant impacts, and does not provide a full range of alternatives to eliminate or mitigate the Project's impacts.

The Project will eliminate at least 56 traffic lanes on major thoroughfares throughout San Francisco, eliminate more than 2,000 street parking spaces citywide, eliminate parking requirements and parking in existing and new structures, allow bicycles in public transit vehicles, allow bicycle riding on sidewalks, allow bicycles to "take" and occupy traffic and transit lanes, and require slowing all other traffic by designating major streets as "bicycle priority streets" throughout the City, re-route traffic by creating mandatory turn lanes and precluding turning on several major streets, and make many other changes affecting transportation, transit, and public safety.

The Project as proposed will have significant impacts, including but not limited to impacts on transit, traffic, parking, pedestrian safety, air quality, emergency services, and land use. Some impacts are identified in the EIR, but others are not. The EIR consists largely of conclusory statements that are repeated throughout the document, even though such rote conclusions are inadequate as a matter of law.

The EIR fails to disclose the Project's severe impacts on transit and traffic by improperly piecemealing environmental review into segments of streets and creating thresholds of significance that are unsupported by uniform methodology and standards in violation of CEQA, which requires public review, legislation and substantial evidence supporting such standards. Thus, the EIR falsely concludes that the Project will not have a significant impact on Muni lines on several of the EIR's street segments unless a bus experiences more than *six minutes of delay in each segment.* No standard or evidence supports the new six-minute-delay-per segment standard invented by and for the EIR on this Project.

By the same piecemealed review, the EIR unlawfully defers and exempts itself from reviewing substantial pieces of the Project that will have significant impacts, including but not limited to all of the significant impacts from what it categorizes as "long-term improvements" and "minor improvements." The EIR makes no commitment to future review of any piece of the Project it has failed to review. There is no analysis of air quality impacts from this Project, even though the EIR acknowledges that it will generate serious traffic congestion. Cumulative

analysis of the Project's impacts is totally lacking on transit and parking and is incoherent on traffic impacts. Instead, the EIR and other documents mis-label their conclusions about direct and indirect impacts as "cumulative plus project" impacts.

The EIR falsely claims that the Project's parking impacts are not significant impacts in San Francisco, summarily exempting itself from analysis and mitigation of the impacts of the Project's elimination of thousands of parking spaces. CEQA is a state law and San Francisco is subject to its mandates requiring the analysis and mitigation of direct, indirect and cumulative impacts of the Project on parking, including direct and cumulative direct impacts from eliminating parking, as well as impacts on transit, air quality, and human impacts, such as additional time and resources spent searching for and paying for parking. Parking impacts inflict disproportionate harm on working people who cannot afford to live near their jobs in the inflated, high-cost housing market in San Francisco.

The EIR claims that at least 26 of the proposed "near-term projects" will have "significant unavoidable impacts" on traffic and transit that purportedly cannot be mitigated. By creating a circular scenario where nothing except the Project's own goals are deemed "feasible," the EIR makes an unsupported claim of "infeasibility" that does not comply with CEQA.

CEQA requires mitigation of each of the Project's impacts on each of its proposed so-called improvements by either altering the Project or by proposing alternatives, including off-site alternatives that eliminate or reduce the Project's impacts, including serious analysis of a No Project Alternative to all or parts of the Project. There is no analysis of alternatives in the EIR. The EIR fails to present a full range of alternatives, including off-site alternatives, instead presenting only one alternative and a No Project alternative. The Planning Commission's and MTA's "findings" reject as "infeasible" all alternatives except a "preferred project" disclosed after the fact without evidence for their conclusions.

Rote conclusions and unsupported claims of "infeasibility" do not meet CEQA's requirements. The lead agency, the Planning Department's Major Environmental Review division ("MEA" or "lead agency") and MTA's CEQA Findings are legally inadequate and are unsupported by evidence.

The same is true of the MEA's and MTA's statements of overriding considerations. The purported benefits of the Project serve less than one percent of residents and visitors who ride bicycles, while inflicting significant impacts on the other 99% who travel by transit, cars or on foot. The MEA's and MTA's CEQA Findings claim without evidentiary support that the benefits to this small minority present overriding considerations to the Project's significant impacts to the vast majority of travelers. The proposed tradeoff of redesigning public streets and sidewalks to benefit a small minority does not create a social benefit to the general public that justifies a statement of overriding considerations.

The Project's significant impacts on transit directly conflict with City's "Transit First" policy. Further, a number of the Project's proposed improvements are preempted by the California Vehicle Code. The General Plan consistency findings are legally inadequate, because

the City's General Plan is substantially out of compliance with the requirements of the Planning and Zoning Law (Gov. Code §§65000 *et seq.*), and because the proposed amendments create internal inconsistency in the General Plan. The Project also conflicts with Proposition M, since it will have significant impacts on traffic, parking, and transit.

On June 25, 2009, the Planning Commission adopted a Motion and Resolutions declaring that the EIR on the Project is "adequate, accurate, and objective." It meets none of these criteria. The EIR does not comply with the requirements of CEQA, and this Board may not re-adopt the same unsupported findings.

This Comment also addresses other actions on the Project that the Board has scheduled for hearing on August 4, 2009, under the improper presumption that it will deny the Appeal of the Project EIR before it has heard this Appeal and made independent findings. The Board's dismissive predisposition of both this Appeal and the public's right to appeal violates CEQA.

At every stage of the administrative process, the MEA, the Planning Commission, MTA, and the Board have refused public requests to continue proceedings to allow adequate time to comment on this Project and its voluminous last-minute addenda. Thus the city has, as in 2005, denied the public the opportunity for meaningful participation in the environmental review of this Project, a repeat performance of the behavior that resulted in the successful litigation and injunction against the City.

Significant changes were made to the Project and the EIR on June 11, 2009, upon release of the 678-page Comments and Responses ("C&R"), including eliminating the Project description "options" in the DEIR's "near-term improvements" (C&R-235-240), changing the Project descriptions and analyses on several segments, (C&R 240-351and C&R Appendix F, 64 unnumbered pages), and changing the DEIR's conclusions on significant impact. (C&R-362 - 375).

On June 25, 2009, after the Planning Commission's certified the EIR, MEA released a huge document entitled "Supplemental Revision Memo to the Planning Commission" containing substantive changes to the Project and its description and to the EIR's conclusions, mitigations and alternatives. Those changes required recirculating the EIR. This Appellant asked for recirculation, but the Planning Commission refused in violation of CEQA. (PRC §21092.1; 14 Cal.Code Regs. ("Guidelines") §15088.5(a).) This Appellant renews the request for recirculation here, both because the Project was significantly changed after the close of public comment, and because the EIR is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (Guidelines §15088.5(a)(4); *Mountain Lion Coalition v. Fish & Game Comm.* (1989) 214 Cal.App.3d 1043, 1050-54.)

For these, the following, and other reasons, the Board's certification of the Project EIR and adoption of proposed legislation would be an abuse of discretion and a failure to proceed in a manner required by law.

Because the Appeal has been scheduled with inadequate time for the public to submit comment and for the Board to make informed decisions and independent findings, and because the legislation has been accelerated and rushed forward on the Board's schedule, the public has again been denied the right to meaningful participation in administrative proceedings on this Project. Therefore, Appellants do not waive the right to raise issues in any future litigation that may not be covered in this or other public comments and, due to the curtailed timing and refusal to continue proceedings, cannot be held to a strict standard of exhaustion of administrative remedies.

The following are some examples of the legal inadequacies of the EIR and the administrative proceedings.

I. PUBLIC NOTICE HAS BEEN INADEQUATE AND PUBLIC COMMENT HAS BEEN CURTAILED.

1. Public Notice and Opportunity to Participate in the Environmental Review Process Have been Denied in Violation of CEQA.

The public agencies involved have persistently failed to give adequate and legally required notice of their proceedings. The public comment periods have been cut short, and the public has been denied the opportunity to participate meaningfully in administrative proceedings, including the curtailed public comment period on the massive 1,457-page Draft EIR ("DEIR"), which was not available to the public until December 1, 2008. This Appellant and others sought unsuccessfully prior to the close of public comment on January 13, 2009, to extend the public comment period on the DEIR. CEQA requires a minimum of 45 days for public comment on a project of this magnitude. [1]

City claims it conducted "community meetings" on the Project. But those meetings were not properly noticed to the public. Instead, they were noticed as a form of "outreach" by the San Francisco Bicycle Coalition ("SFBC") a special interest group that has a stake in the outcome of the process. The SFBC's "outreach" publicly funded by grants from public agencies. (San Francisco Bicycle Plan, first page inside cover; and *see* FN. ___ herein.) The city has to date refused to provide copies of the notice lists used for that "outreach" or for other public notice requested pursuant to the Public Records Act. Although this Appellant has submitted approximately 40 (forty) requests for public notice of every aspect and document on this Project since 2004, no notice was given to us of any of the purported "community" meetings. Further, this is not a "community" Project but is of citywide and regional magnitude, encompassing major City streets and transportation corridors extending beyond arbitrarily designated "community" boundaries, and the Project's impacts affect travelers whose destinations may not be on small segments of streets.

[1] MEA claims that it posted the DEIR on its web site on November 26, 2008, but there was no posting during normal business hours, and web site posting is not proper notice, because it requires people to have access to computers and the internet to receive notice. Web posting is particularly inadequate when members of the public, including this Appellant, have requested notice and copies of relevant documents.

Other notices of meetings on the physical implementation of the Project in violation of the Court's orders and injunction were created by posting a piece of paper on a single telephone pole on selected streets. Those "notices" violate CEQA and the Court's injunction, November 7, 2006 Order, June 25, 2007 Judgment, and July 25, 2007 Peremptory Writ of Mandate, as well as requirements of public meetings laws and the City's Sunshine Ordinance.

On June 11, 2009, the MEA issued the 678-page C&R document, again cutting short the public review period by immediately scheduling the Planning Commission hearing on the EIR less than two weeks later, on June 25, 2009. The Final EIR ("FEIR") then consisted of 2,136 pages in the DEIR and C&R. The C&R made substantive text changes to the EIR as well as compound cross-referenced rebuttals to public comments.

The MEA did not issue its CEQA Findings until June 18, 2009, claiming they were attorney-client privileged before that time! That gave the Appellant and the public less than one week to read and comment on the added 188-page CEQA Findings before the Planning Commission hearing scheduled on June 25, 2009. The CEQA Findings contained complicated, cross-referenced findings on impacts, mitigations, and alternatives, and a statement of overriding considerations, all of which were new material. The time for public review comment on this material and the C&R were clearly inadequate. The agency decisionmakers also could not possibly assimilate these large volumes of complicated material in this inadequate time.

After the June 25, 2009, Planning Commission hearing, the MEA released a 272-page "Supplemental Revision Memo to the Planning Commission," dated June 25, 2009, which substantively changed the Project description in the EIR, the EIR's analysis of significant impacts and proposed mitigations, and the Commission's "CEQA Findings" on the Project. (*See* "Supplemental Revision Memo to the Planning Commission," June 25, 2009.) The Commission had already adopted CEQA Findings (*See,* Planning Commission Resolution No. 17913 with Attachment A), and the Commission Secretary certified the Commission's Resolution. In any event, neither the public nor the agency decisionmakers were given the opportunity to read or consider the last-minute "Supplemental Revision Memo," which makes substantive changes in Findings, including findings of "unavoidable" impacts, findings of infeasibility of mitigation, findings on alternatives, and overriding considerations. These changes require recirculation of the EIR and the findings. The alteration of Findings already adopted by the Planning Commission violates CEQA's requirement of informed decisionmaking and public participation in the decisionmaking process.

One day later, on June 26, 2009, the MTA Board illegally voted to implement a large portion of the Project, including "near-term improvements," in spite of the appeal process required by CEQA and the San Francisco Administrative Code of the Planning Commission's certification of the EIR. The MTA Board's action also violated the Court's Injunction, November 7, 2006 Order, June 25, 2007 Judgment, and July 25, 2007 Peremptory Writ of Mandate. (*See* MTA Board Resolutions 09-105 and 09-106.) The MTA claims it held meetings to implement pieces of the Project and may continue to do so with no legal notice, by simply posting notices on a single telephone pole on affected street segments, the same conduct that led to the Court's injunction.

Appeals of the Planning Commission's certification were timely filed on July 15, 2009. The Board scheduled hearing on those Appeals on August 4, 2009, again giving inadequate time for the public to get, review, and comment on the voluminous additions, findings, and revisions created by both MEA and the MTA before the scheduled hearing on the Appeal.

The Board then pulled the legislation on the Project from the Land Use Committee and placed it on the same agenda with the Appeals, thus improperly prejudging the Appeals before they are even heard. The Board must hear and consider this Appeal and make independent written findings *before* it may consider adopting legislation to approve or implement the Project or to amend the General Plan and City Codes. This Appellant requested both that the Board continue the legislation on the Project and that it continue the hearing on the Appeals. The Board refused, giving no reason for its refusal.

CEQA's principal mandates of informed and accountable decisionmaking and public participation have been defeated by the repeated refusal of the MEA, the Planning Commission, the MTA Board, and this Board to give the public adequate time to review large volumes of material, to comment, and to meaningfully participate in the environmental review of this Project.

2. The EIR is Incoherent and Incomprehensible.

The DEIR document is 1,457 pages long, containing an inscrutable morass of compounded, multiple cross-references, which makes it nearly incomprehensible. The Comments and Responses document issued on June 11, 2009 adds another 678 pages, including substantive text changes to the DEIR. The 188-page Findings were not released until June 18, 2009, and are still another mess of encoded, cross-referenced cut-and-paste text that is largely incomprehensible. The "Supplemental Revision Memo to the Planning Commission" dated June 25, 2009, is 272 pages of *revised* cross-referenced text, changing the Commission's adopted CEQA Findings and its statement of overriding considerations. The EIR must be readable and accessible to the public and decisionmakers to comply with CEQA's mandates to inform decisionmakers and the public of the Project's scope, impacts, and proposed mitigations and alternatives.

The huge volume, complexity and difficulty of navigating these documents defeats CEQA's purpose to inform decisionmakers and the public of the scope and nature of the Project, its significant impacts, and proposed mitigations and alternatives to eliminate and lessen those impacts. (*See, e.g., County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955 [The public and decisionmakers should not have to cobble together information included in and appended to the EIR. "An EIR requires more than raw data; it requires also an analysis that will provide decision makers with sufficient information to make intelligent decisions."]; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 734-735 [Where the FEIR did not adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the

project, informed decisionmaking was precluded, and certification of the FEIR as complete and adequate constituted an abuse of discretion.].)

II. THE EIR'S FRAGMENTED ANALYSIS IMPROPERLY DEFERS AND PIECEMEALS ANALYSIS OF THE PROJECT'S IMPACTS IN VIOLATION OF CEQA.

The EIR separates the Project into a number of components and then segments the Project's "near-term improvements" into 60 pieces of streets. Such piecemealing violates CEQA. (*E.g., Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283 (CEQA mandates that "environmental considerations do not become submerged by chopping a large project into many little ones"); *Association for a Cleaner Environment v. Yosemite Community College District* (2004) 116 Cal.App. 4th 629, 639 [Project may not be "chopped into bite-size pieces to avoid CEQA review."]; *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 167 [It is a prejudicial abuse of discretion for an agency to evade CEQA compliance by separating the Project's principal components into two or more parts.].) The Project improperly segments transportation corridors into pieces, minimizing significant impacts that affect the entire corridors, intersections, and parallel streets receiving impacts from the Project's elimination of traffic lanes and street parking spaces.

By categorizing parts of the Project as "near-term improvements," "long-term improvements" and "minor improvements," the EIR improperly segments the Project to minimize impacts and defer or exempt pieces of the Project from environmental review.

The EIR's deferral of environmental review also violates CEQA. For example, by categorizing a number of major actions as "long-term" improvements, the EIR claims it may (or may not) conduct environmental review of those actions, at an unspecified time in the future.

"[A]n EIR must include an analysis of the environmental effects of future expansion or action if (1) it is a reasonably foreseeable consequence of the initial project; and (2) if the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (*Laurel Heights Improvement Assn. v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal. 3d 376, 396.) The "long-term" actions described in the EIR clearly require environmental review now, in the EIR that is before this Board.

III. THE EIR'S PROJECT DESCRIPTION IS LEGALLY INADEQUATE.

By fragmenting the Project description, its omissions and arbitrary categories, the EIR fails to meet CEQA's basic requirement to inform decisionmakers and the public of the Project's true character and scope.

An "accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) "A curtailed or distorted project description may stultify the objectives of the reporting

process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs. . ." (*Id.* at 192-193.) A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*Id.* at 197-198.)

3. The EIR Contains No Description of Major Parts of the Project and Inadequate Descriptions of Other Parts of the Project.

According to the DEIR, the Project "consists of the San Francisco Bicycle Plan; the phasing of implementation of near-term, long-term, and other minor improvements to the bicycle route network; as well as amendments to the San Francisco General Plan (General Plan), the San Francisco Planning Code (Planning Code), and the San Francisco Transportation Code (Transportation Code)." (DEIR, IV.B-2) However, several components of the Project are not included in the EIR's Project description, while others are not accurately described.

While the EIR generally categorizes the Project as these components, as well as visions, goals, and objectives, it does not provide the basic information necessary inform decisionmakers and the public of the true scope of the Project. For example, the EIR contains no data on existing traffic volumes and bicycle and pedestrian volumes on the affected streets, no accurate description of proposed legislation, no specific description of proposed "long-term" pieces of the Project, and no specific information on pieces of the Project that it categorizes as "minor." Further, the EIR omits from its Project Description the components of the Project consisting of amendments to the General Plan, Planning Code, and Transportation Code, and parts of the 2009 Bicycle Plan.

The DEIR states:

> Near-term bicycle network improvement projects (near-term improvements) have been designed and are anticipated to be constructed within the next five years following completion of environmental review and approval of the specific project.
> Long-term bicycle route network improvement projects (long-term improvements are either proposed along the existing bicycle route network, or consist of potential additions to the bicycle route network at a future date. Specific designs for those long-term projects have not been developed at this time.
> "Minor improvements would include minor pavement marking and signage changes to improve bicycle travel, such as the installation of colored pavement materials, the installation of sharrows (shared roadway bicycle markings), minor changes to parking and traffic lanes configurations, minor changes to intersection traffic signal timing plans, the installation of bicycle boxes at certain intersections, and bicycle parking within the public right-of-way, including bicycle racks on sidewalks meeting certain criteria." (DEIR IV.B-2)

However, these categories do not meet CEQA's basic requirements to provide an accurate, stable and finite Project description to inform decisionmakers and the public of the scope and potential impacts of the Project. [2]

4. Proposed "Near-Term" Physical Changes to City Streets Are Described as "Options" Instead of as Accurate, Stable and Finite Project Descriptions, and the "Options" Were then Changed at the Last Minute, Precluding Public Notice and Review.

The EIR misleads the public and decisionmakers by describing the Project's "near-term improvements" as segmented "options." In fact, the EIR's function is not to offer optional Project descriptions but to establish an accurate, stable and finite Project description, which is defeated by the shifting data in the purported "options."

On June 11, 2009, MEA issued the 678-page Comments and Responses ("C&R") document, which effectively eliminated the segmented "options" on 31 "near-term improvements." The C&R then changes these "options" descriptions in the DEIR to what it calls a "Preferred Project Design." (C&R-235) The C&R states that for five other "near-term improvements" a "Preferred Project design has not yet been determined." (C&R-358) The C&R is silent on the remaining 24 "near-term improvements."

On June 18, 2009, the MEA, the agency responsible for the Project description in the EIR, issued CEQA Findings that recommend only one "preferred option" for each of the "near-term improvements." The agency-recommended "options" not surprisingly were consistently those with the most severe negative impacts on traffic, transit and parking.

On June 25, 2009, after the Commission certified the EIR and adopted CEQA Findings, the MEA issued a 272-page "Supplemental Revision Memo to the Planning Commission" in which it substantively changed the Project description in the EIR, the EIR's analysis of significant impacts, proposed mitigations, and the Commission's "CEQA Findings" for the Project. (*See* "Supplemental Revision Memo to the Planning Commission," June 25, 2009.) The public was given no opportunity to review or comment on these changes. These changes

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[2] Throughout the EIR refers to "improvements" to an "existing bicycle route network." The EIR explains that, "the existing San Francisco bicycle route network includes bicycle routes in the public right-of-way" and that "the existing bicycle route network and potential improvements are described in the Network Improvement Document, which was prepared in April 2005 and is subject to further refinement based upon modifications that the MTA Board of Directors has authorized and the project-level analysis provided in this environmental review process." (DEIR, Appendix A, p.5.) However, the "bicycle route network" and the 2005 Network document have never received environmental review, and in fact are the subject of the Court's Order of November 7, 2006, Judgment of June 25, 2007, and Peremptory Writ of Mandate of July 25, 2007, as well as the injunction against the City. Thus, contrary to misleading references throughout the EIR the "bicycle route network" under review in the EIR is not "existing," but is yet to be validated and is the subject of the EIR itself. The term "improvements" is also disingenuous, since the Project's impacts would degrade travel for the 99% of residents and visitors in San Francisco who do not use bicycles.

require recirculating the EIR. This Appellant asked for recirculation of the EIR, but the Planning Commission summarily denied that request.

By failing to accurately describe the Project and by piecemealing the Project description, the EIR falsely implies lessened impacts, misleading the public as to true nature of the Project and its significant impacts. The MEA's last-minute revisions to the Project's description and the analysis of impacts in the EIR were substantive and precluded meaningful public comment in violation of CEQA.

The shifting Project description and the last-minute changes also violate CEQA's requirement of an accurate, stable and finite Project description and defeat the public's right to comment and participate in the environmental review process and administrative proceedings. The entire EIR must be recirculated with accurate information, because the public has not been given the necessary information to comment on the Project.

5. The EIR Fails to Identify, Analyze and Mitigate Pieces of the Project by Simply Designating Them in the Project Description as "Minor Improvements" Requiring No Review and Mitigation.

The EIR's Project Description in effect exempts from environmental review all of its designated "minor improvements" by declaring: "These improvements would require minimal physical modifications to the roadway. The aim of this analysis is to provide program-level environmental review of these types of minor physical modifications such as they may be implemented with minimal, if any, additional CEQA documentation." (DEIR, IV.B-55) In fact, the "minor improvements" include traffic and transit lane sharing, removing street parking, removing traffic lanes, redirecting traffic, slowing of traffic through signal timing, installing bicycle racks on public sidewalks, allowing bicycles to occupy traffic lanes ahead of motor and transit vehicles at intersections ("bicycle boxes"), and other changes that may have significant impacts on traffic, transit, parking, air quality, congestion, noise, public safety, and open space, and must be analyzed under CEQA.

By simply describing these parts of the Project as "minor," the Project Description violates CEQA's requirements of analysis and mitigation of the Project's impacts.

6. The EIR Fails to Accurately Describe, Analyze and Mitigate the "Long-Term Improvements."

The EIR states that the Project's "long-term improvements" are "either proposed along the existing bicycle route network, or consist of potential additions to the bicycle route network at a future date. Specific designs for those long-term projects have not been developed at this time." (DEIR IV.B-2.) The EIR then claims that "long-term improvements are evaluated in this EIR at a program-level. Impacts of these improvements are evaluated with regard to the Proposed Project footprint, and may require further project level analysis in separate environmental review processes once specific project descriptions are developed." (DEIR IV.B-

57.) Thus, by omitting an accurate, coherent description of the "long-term improvements," the EIR unlawfully defers environmental review of their impacts in violation of CEQA.

The EIR's Project Description claims ignorance of the particulars of the proposed "long-term improvements," (DEIR IV.B-57). However, in another section, the EIR includes numerous proposals for more major changes to streets throughout San Francisco as "long-term improvements." (DEIR V.A.5-1). These major "long-term improvements" include nearly the entire length of Geary Boulevard, Battery Street, Golden Gate Avenue, Stanyan Street, Oak Street, Capp Street, Shotwell Street, Industrial street, Monterey Boulevard, Holloway Avenue, Lee Avenue, Harold Avenue, Brotherhood Way, Persia Avenue, Mansell Street, Mission Creek, Jennings Street, Industrial street, Crisp Road, Underwood street, Carroll Street, Gilman Avenue, Hunter's Pont, Alana Street, Harney Street, Bay Trail, and Pier 70 (Fig. V.A.5-1, and V.A. 5-4 - V.A.5-17).

The "long-term improvements" include: Installation of bicycle lanes, narrowing and removal of travel lanes; sharrows, modifications to bus zones, modifications to parking configurations, changes to "locations and configurations of curbs sidewalks and medians," widening of roadways and narrowing of sidewalks, reconfiguration of intersections to improve bicycle crossings, including installation of bicycle boxes and bicycle traffic signals, installation of traffic calming devices, including designating bicycle boulevards that prioritize bicycle travel over other transportation modes, and designation of shared bicycle and transit lanes. (V.A.5-3.)

Thus, by not including a coherent description of the proposed "long-term improvements' and professing that it does not know where they are located, the EIR defers meaningful environmental review of their impacts. The EIR then specifically describes the planned changes, but makes no effort to analyze, mitigate, or offer alternatives to their impacts.

7. The EIR Fails to Accurately, Coherently, and Completely Describe the Proposed Amendments to the General Plan, Planning Code, and Transportation Code.

The EIR includes no coherent description of the proposed amendments to the General Plan, Planning Code and Transportation Code, even though it acknowledges that they are part of the Project. (DEIR, IV.B-2) These documents are not included in the EIR and were not publicly available before the Planning Commission certified the EIR, and some are still unavailable for public review.

The proposed legislation mandates physical and policy changes that will have significant direct, indirect, and cumulative impacts on the environment. For example, he proposed Ordinance amending the General Plan declares that many City streets and thoroughfares are "bicycle priority" streets, requiring that bicycles be prioritized as the primary mode of transportation on those streets as a matter of public policy. (*E.g.*, Proposed Ordinance, BOS File No. 090867) Many other changes are proposed in the legislation that mandate changes in transportation and the physical configuration of city streets that require CEQA review. The proposed amendments will affect parking, traffic, and transit, and must be analyzed and mitigated to comply with CEQA.

By omitting these parts of the Project from the EIR's Project description and from analysis and mitigation, the EIR effectively exempts them from public comment and environmental review. The specific pieces of legislation must be included in the EIR's Project description with specific analyses of their impacts. Instead, the EIR contains no specific description of the content of the legislation.

8. The Project Description Fails to Include the "San Francisco Bicycle Plan," Which Was Unavailable to the Public before Close of Public Comment.

The MTA did not issue the latest version of the "San Francisco Bicycle Plan" ("the Plan") until after the close of public comment on the EIR, which was supposedly conducting environmental review of that document to comply with the Court's orders. The Plan document was apparently issued in a draft form on April 30, 2009, but was not issued in a final form until June 26, 2009, after the Planning Commission certified the EIR. The EIR's Project description contains only sketchy generalizations about the Plan, referring to it as "policies."

The EIR's Project description admits:

> These policies would have an impact on the future direction and implementation of improvements throughout the City's bicycle route network, and would also affect areas currently outside the bicycle network, which could be affected by future bicycle route network changes. . . While adoption of the policy may not appear to have potential to cause direct or indirect impacts to the physical environment, future policy-based projects could include alteration with a potential to affect the environment. Such projects would require environmental analysis prior to their approval, *unless the specific project in question has been analyzed as part of the current Bicycle Plan EIR*, or as part of some other approved environmental plan document. (DEIR, IV.B-50 - 51.)

Thus, the EIR improperly defers or exempts from environmental review admitted, known impacts of the Project. The EIR's failure to properly describe and analyze the changes proposed by the Project, including its amendment of the General Plan and City Codes, thus improperly defers analysis of known impacts to a future date without committing to a review or the mitigation of those impacts. This Project description is both false and misleading in understating the scope and nature of the "2009 Project" and in deferring analysis of "future policy-based projects" and "Such projects" to some other time, while building into the Project Description an illegal exception to any environmental review.

The EIR must include an accurate, stable, and finite description of the whole Project, including each of its components.

The Plan contains mandates that change the physical environment of the city that will have significant impacts, including many mandates that are not described or analyzed in the EIR, such as a complete re-mapping of the streets of San Francisco to include the proposed "Bicycle

Route Network," (Plan, 1-1 - 19, App.1-1, 2-1 - 2-14); eliminating Level of Service ("LOS") as the standard for environmental review of all projects in San Francisco (Plan, 1-24-25); mandating "bicycle boulevards" that exclude other modes of transportation (Plan, 1-25); shared lane markings that do not comply with the Manual of Uniform Traffic Control Devices (MUTCD); eliminating parking in existing and newly constructed buildings (Plan, *e.g.*, 2-5 - 2-15); allowing bicycling on sidewalks (Plan, 7-7); requiring bicycle parking on public sidewalks (Plan, 2-5 - 2-15); permitting bicycles on board Muni and all SFMTA transit vehicles (Plan, 3-2 - 3-3); rewarding illegal bicycle behavior by creating more bicycle traffic amenities (Plan, 5-5); rolling General Plan amendments without environmental review (Plan, 7-2 - 7-3); and requiring public funding of bicycle "improvements" (Plan, 8-4 - 8-11).

None of these components of the Project in the Plan document are described or analyzed in the EIR. Their omission and the failure of the EIR to mitigate the significant impacts of these components of the Project violates CEQA.

The latest Bicycle Plan document corresponds to the "Framework document" that the Superior Court has ordered to be reviewed, making this omission in the EIR even more egregious.

9. Project Documents, Including the Bicycle Plan Itself, and the Proposed Amendments to the General Plan, Planning Code, and Transportation Plan, Were Unavailable to the Public Until Long After the Close of Public Comment on January 13, 2009.

According to the DEIR, the Project "consists of the San Francisco Bicycle Plan; the phasing of implementation of near-term, long-term, and other minor improvements to the bicycle route network; as well as amendments to the San Francisco General Plan (General Plan), the San Francisco Planning Code (Planning Code), and the San Francisco Transportation Code (Transportation Code)." (DEIR, IV.B-2)

However, that version of the San Francisco Bicycle Plan was not released until April 30, 2009, and was not available to the public until *after* the Planning Commission's certification of the EIR on the Project. Still another version was created *after* that certification of the Project that includes this document as a component. (*See,* June 26, 2009, "2009 San Francisco Bicycle Plan.")

The proposed amendments to the General Plan, Planning Code, and Transportation Code still have not been provided to the public after numerous requests. These components of the Project were unavailable during the public comment period on the DEIR (December 1, 2008 - January 13, 2009).

The failure to make these components of the Project available during the public comment period defeats CEQA's mandate of informed public participation in the environmental review process.

III. THE EIR'S DESCRIPTION OF EXISTING CONDITIONS (BASELINE) IS INCOMPLETE AND INACCURATE.

The EIR fails to accurately set forth the existing conditions ("baseline") and to include data necessary to determine whether the Project will have significant impacts on the environment, precluding accurate assessment and mitigation of the Project's impacts in violation of CEQA. "Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined." (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App.4th 931, 952; and *see* Guidelines §§15125, 15126.2(a).) Without an adequate baseline description, "analysis of impacts, mitigation measures and project alternatives becomes impossible." (*County of Amador, supra,* 76 Cal.App.4th at 953.)

10. The EIR Contains No Definitions or Standards for Its Categories of Bicycle, Pedestrian, and Traffic Volumes.

The EIR's Project and Setting descriptions include *no* data on the volume of motor vehicle traffic on various streets, the volume of bicycle traffic, and the volume of pedestrian traffic. Bicycle volume is characterized as "low," "moderate" or "high" without defining these terms anywhere in the EIR. In fact, the Appellant only received those definitions after a Public Records Act Request. They are attached hereto as ATTACHMENT _____. The E-mail states:

> "The following criteria were created for the low, median, and high description of bicycle and pedestrian volumes We received both bicycle and pedestrian volumes from SFMTA (emailed earlier). These volumes were for the intersection as a whole, not divided by approach. [emphasis in e-mail]
> "Bicycle volumes
> "Low - 1 - 100 bicycle per hour (less than 2 bicycles per signal cycle in all directions in the peak direction)
> "Median - 100 - 250 bicycles per hour (equal or less than 4 bicycles per cycle in all directions in the peak direction)
> "High - larger than 2500 [sic] bicycles per hour (larger than 4 bicycles per cycle in all directions)
> "Pedestrian volumes
> "Low - 1 - 1,000 pedestrians per hour
> "Median - 1,000 - 2,000 pedestrians per hour
> "High - larger than 2,000 pedestrians per hour
>
> "In the absence of directional split for the volume data we received, we used the most conservative approach to estimate LOS of pedestrian flow - assuming all pedestrian volumes counted are from one approach. [emphasis in e-mail] With this most conservative approach, it shows that 1,000 pedestrians per hour on a 5-foot clear pathways, the flow rate would be 3.3 pedestrians per minute per foot, which is equivalent to LOS B. At 2,000 pedestrians per hour on a 5-foot clear pathway, the flow rate would be 6.7 pedestrians per minute per foot, which is equivalent to LOS C-D."

(ATTACHMENT: E-mail from Chi-Hsin Shao, CHS Consulting Group to debra.dwyer@sfgov.org., February 27, 2009.

The "bicycle volumes" data is judged by a completely different standard than the pedestrian volume data, and the traffic volumes are not stated at all in the EIR. None of this essential information is included in the EIR's existing conditions descriptions or anywhere else in the EIR. This impromptu, slippery "methodology" does not conform to any uniform standard for counting traffic. It is arbitrary and invalid on its face, because it sets thresholds that must be established by the publicly accountable process set forth in CEQA and supported by substantial evidence. (Guidelines §15064.7)

11. The Volume of Bicycle Traffic is too Low to Justify the Project.

In fact, the EIR states the volumes of bicycles are "low," "generally low," or "generally low to moderate," on 41 of the 60 proposed "near-term projects," many of which will have significant impacts on traffic, transit and parking, including the following DEIR descriptions:

1-1: "low" (V.A.3-25, Project 1-1)
1-2: "low (V.A.3-27)
1-3: "low to moderate" (V.A.3-30)
2-1: "generally low" (V.A.3-47)
2-2: "generally low" (V.A.3-50)
2-3: "generally low to moderate" (V.A.3-53)
2-4: " generally low to moderate" (V.A.3-55)
2-5: "generally low" (V.A.3-56)
2-6: "typically low" (V.A.3-58)
2-7: "currently low to moderate" (V.A.3-59)
2-8: "typically moderate. . . except during the PM peak period when they are high" (V.A. 3-61)
2-9: None given. (V.A.3-62)
2-10: "high in the eastbound direction during the AM peak hour and in the westbound direction during the PM peak hour." (V.A.3-63)
2-11: "high in the eastbound direction during the AM peak hour and in the westbound direction during the PM peak hour." (V.A.3-66)
2-12: "high in the eastbound direction during the AM peak period and in the westbound direction during the PM peak period." (V.A.3-68)
2-13: "generally low." (V.A.3-69)
2-14: None given. (V.A.3-70)
2-15: "low to moderate." (V.A.3-71)
2-16: "generally moderate with higher volumes during the AM and PM peak periods and midday between 2nd and 4th Streets and between 7th and 8th Streets." (V.A.3-74)
3-1: "high during weekday AM (about 170 per hour) and PM peak periods and on weekends." (V.A. 3-84)

3-2: "generally low" (V.A. 3-87)
3-3: "generally low" (V.A.3-89)
3-4: "generally moderate" (V.A.3-90)
3-5: "high during commute periods and on weekends...At other times...generally low" (V.A.3-91)
3-6: "moderate to high" (V.A.3-93)
4-1: None given (V.A.3-100)
4-2: "low" (V.A.3-101)
4-3: "generally low" (V.A.3-102)
4-4: "low" (V.A.3-103)
5-1: "low to moderate" (V.A.3-121)
5-2: "generally low" (V.A.3-123)
5-3: None given (V.A. 3-125)
5-4: "very low" (V.A.3-128)
5-5 "generally low" (V.A.3-129)
5-6: "generally low" (V.A.3-132)
5-7: "generally low to moderate" (V.A.3-134)
5-8: "low" (V.A.3-135)
5-9: "generally low" (V.A.3-138)
5-10: "moderate to high" (V.A.3-139)
5-11 "low to moderate" (V.A.3-140)
5-12: "generally low" (V.A.3-142)
5-13: "generally low" (V.A.3-143)
6-1: "generally low" (V.A.3-150)
6-2: "generally low" (V.A.3-152)
6-3: None given (V.A.3-154)
6-4: "typically low" (V.A.3-155)
6-5: "generally low" (V.A.3-157)
6-6: "generally low" (V.A.3-160)
7-1: "low on a typical weekday and moderate on weekends." (V.A.3-169)
7-2: "approaching Lincoln Way are low to moderate on weekdays and moderate to high during the weekend." "along the rest of the corridor are low to moderate." (V.A.3-171)
7-3: "low to moderate on weekdays and higher on weekends and near the Cliff House." (V.A.3-173)
7-4: "relatively low on weekdays and moderate to very high on good weather weekends and in the summer" (V.A.3-175)
7-5: "generally low" (V.A.3-176)
7-6: "generally high during weekends, especially during summer months, and typically moderate at other times." (V.A.3-177)
8-1: "generally low to moderate" (V.A.3-184)
8-2: "generally low" (V.A.3-185)
8-3: "generally moderate in the vicinity of the SFSU campus west of 19th Avenue and low east of 19th Avenue." (V.A.3-186)

8-4: "relatively low during weekdays but moderate to high on weekends for recreation." (V.A.3-187)

8-5: "generally low in the area during the weekdays but typically higher on weekends and on the first Wednesday of each month when the San Francisco Zoo is free to visitors." (V.A.3-189)

The EIR contains no bicycle counts and no explanation of the methodology used to determine the categories described as "low," "generally low to moderate," "very low," "typically low," "relatively low," "generally low," "moderate," etc.

That missing data is essential to identify the Project's impacts and to inform decisionmakers and the public of the feasibility of mitigation and alternatives to those impacts, and so that informed decisions can be made on the tradeoffs between the Project's benefits and adverse impacts.

12. The Volumes of Bicycle and Other Traffic Are Not Quantified in the EIR.

The EIR contains *no* quantified bicycle volumes, traffic volumes, transit volumes, or pedestrian volumes-- crucial information for identifying the Project's impacts on traffic, transit, and pedestrian safety. Instead, the EIR uses undefined standards to categorize existing traffic volumes, bicycle volumes and pedestrian volumes. Bicycle volumes are described, if at all, only as "low," "moderate" or "high." CEQA requires the inclusion of this data in the EIR to identify, analyze and mitigate the Project's impacts, as well as to analyze the feasibility of mitigations and alternatives, and to weigh the Project's significant "unavoidable" impacts against its purported benefits.

Bicycle counts provided pursuant to Appellant's Public Records Act ("PRA") requests fail to describe any coherent methodology, instead reflecting impromptu counts extending for more than one hour at various times, counting every bicycle in view regardless of direction, and conducted without standard dates, times, and attribution. A count used to establish bicycle "volumes" on streets is described in the 2008 State of Cycling Report is incomplete, with results that differ from those produced pursuant to the Appellant's PRA requests, and are dubiously based on counts taken at "Energizer Stations" on the annual "Bike to Work Day" event conducted by the San Francisco Bicycle Coalition. [3] The EIR makes no effort to explain the

[3] The San Francisco Bicycle Coalition ("SFBC") is a private lobbying and advocacy corporation that is credited on the Project's Bicycle Plan document (inside cover) with "Public outreach and community planning for the San Francisco Bicycle Plan was funded by a Caltrans Community Based Planning Grant administered by the San Francisco County Transportation Authority to the San Francisco Bicycle Coalition." A copy of that grant was *not* provided pursuant to Appellant's PRA request.

The SFBC also endorses the monthly Critical Mass event that blocks city traffic on the last Friday of the month during the evening commute hour. The City subsidizes the SFBC through publicly funded contracts and grants that include paying its rent, salaries, and other expenses. The SFBC received at least $276,000 in public funds from the City for "outreach" on the 2005 Bicycle Plan (*See,* Record of Proceedings at, *e.g.*, 9 AR 1973, 2029-30, 2089, 10AR2147-55, 2179, 2284, *Coalition for Adequate Review v. City and County of San Francisco*, SF Super.Ct. Case No. 505509), and has received at least

"methodology" used or to describe an accepted standard methodology for counting bicycle traffic.

Based on U.S. Census data, the San Francisco County Transportation Authority ("SFCTA") has established that the proportion of travelers actually using bicycles for "all trips" in San Francisco is less than one percent, and for internal trips within San Francisco is 1.0%. (SFCTA: *Countywide Transportation Plan*, July, 2004, p.39.) In contrast, the mode share for autos is 62.2% of all trips and 54.2% of all internal trips; for transit it is 17.2% of all trips and 16.4% of all internal trips; and for walking it is 19.7% of all trips and 28.3% of internal trips. (*Id.*)

Actual traffic volumes are not included in the EIR, an egregious omission that precludes objective analysis and mitigation of the Project's impacts, or comparison of vehicle and transit traffic volumes with bicycle traffic volumes. The adequacy of the EIR as a document informing the public and decisionmakers requires this essential information in the text of the EIR. [4]

13. The EIR Fails to Describe the Percentage of Bicyclists who Meet the Definition of "Commuters."

The California Streets and Highways ("S&H") Code defines A "bicycle commuter" as: "a person making a trip by bicycle primarily for transportation purposes, including, but not limited to, travel to work, school, shopping, or other destination that is a center of activity, and does not include a trip by bicycle primarily for physical exercise or recreation without such a destination." The EIR provides no data on the number of bicyclists who meet this definition, which is required for the Project's stated goal of receiving State highway pork money. (DEIR, IV.B-1) In fact, the City's State of Bicycling Report states that 36% of bicycle trips are made for "Fitness/Exercise" or "Leisure," while another 25% of bicycling trips are for "Shopping." Only 28% of bicycle

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$646,430 from the City to conduct self-promotional activities including the above-noted "outreach," the SFBC's "Bike to Work Day" event, and other SFBC events between 2005 and the present. (*See, e.g.*, Grant Agreement dated 6/23/06 ($44,000 to post blurbs for recycling in SFBC newsletters); Contract No. CS-158, dated 4/21/09($98,930 for "Bicycle Safety Education Classes"); Contract #CS-157, dated 3/30/09 ($99,000 for promoting SFBC's "Bike to Work Day" event); Contract #401-07/08, dated 2/4/08 ($79,000 for promoting and conducting "Street Skills" classes"); Contract #3083-06/07, dated 2/1/07 ($49,500 for promoting SFBC's "Bike to Work Day" event).) The SFBC has also continually attended meetings with City staff and officials that were not public or publicly noticed.

[4] The EIR refers to a Transportation Impact Study ["TIS"], but the TIS is not contained in the EIR. The TIS contains only diagrams showing hourly traffic volumes at various intersections within segments, but does not contain cumulative totals or any statement of methodology that correlates those volumes with the conclusory descriptions of traffic volumes in the EIR. (*See, e.g., Environmental Defense Fund, Inc. v. Coastside County Water District* (1972) 27 Cal.App.3d 695, 706 ["[W]hatever is required to be considered in an EIR must be in that formal report; what any official might have known from other writings or oral presentations cannot supply what is lacking in the report."]; and *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955 [The public and decisionmakers should not have to cobble together information included in and appended to the EIR, and "An EIR requires more than raw data; it requires also an analysis that will provide decision makers with sufficient information to make intelligent decisions."].)

trips are "Work or Work Related." The demographic of bicycle users is largely dominated by white males. (MTA: 2008 San Francisco State of Cycling Report, pp. 10, 12.) Bicycling for recreation or exercise does not qualify as "commuting" under the Streets and Highways Code. (S&H Code, §§ 890, 891, *et seq.*)

Without this data, the EIR does not meet CEQA's requirement of an accurate, stable and finite Project description, does not provide an accurate baseline, and does not meet the requirement of the Streets and Highways Code to quantify the number of commuting bicyclists in order to claim that the Project is a "Bicycle Transportation Plan" to receive State money under provisions of the Streets & Highways Code. (*E.g.*, S&H Code §891.2(a)[requiring "The estimated number of existing bicycle commuters in the plan area and the estimated increase in the number of bicycle commuters resulting from implementation of the plan."].)

IV. THE EIR FAILS TO IDENTIFY AND ANALYZE THE PROJECT'S SIGNIFICANT IMPACTS.

The purpose of an EIR is to identify the significant effects of a Project on the environment, to identify alternatives to the Project, and to indicate the manner in which those significant effects can be mitigated and avoided. (*E.g., Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106.)

14. The EIR Fails to Identify and Analyze the Direct, Indirect, and Cumulative Impacts of Removing at least 56 Traffic Lanes.

Because the EIR fragments its Project description, its analysis of "near-term" parts of the Project is distorted, since it finds no impacts on isolated street segments, and fails to analyze the Project's actual direct impacts to longer stretches and surrounding streets. Such piecemealing of environmental review has been consistently rejected by the Courts.

The EIR admits that it does not contain any analysis of spillover traffic, an inevitable impact of eliminating traffic lanes and parking and installing forced turn lanes. That omission defeats cumulative analysis of the Project's impacts on traffic, transit and parking in violation of CEQA. The EIR contains no meaningful analysis of the cumulative impacts of the Project's elimination of traffic lanes on surrounding areas in violation of CEQA.

15. The EIR Fails to Identify and Analyze the Project's Direct, Indirect, and Cumulative Impacts on Public Transit.

The EIR fails to properly disclose, analyze and mitigate the Project's direct, indirect and cumulative impacts on transit, even though buses will clearly be delayed by the Project's eliminating traffic lanes and parking, requiring transit and cars to share lanes with bicycles, and allowing bicycles on board transit vehicles. By segmenting streets and Muni routes in small increments and creating an unsupported threshold of significance that requires a delay of more than *six minutes per segment*, the EIR downplays the Project's serious impacts on transit.

Instead of using LOS measurements, the EIR evaluated only twelve "transit study corridors" and ten "transit spot study locations." (DEIR V.A.3-8 - 3-10.) The total transit vehicle delay was "assumed to be comprised of" three elements:

"Transit Travel Delay" defined as "the additional time experienced by a transit vehicle as it travels between stops across one or more intersections in the corridor due to congestion caused b other vehicular traffic traveling parallel or perpendicular to the transit flow."Transit Reentry Delay" defined as "the wait for a sufficient gap in traffic flow to allow a bus to pull back into the travel lane." [and]

"Transit/Bicycle Delay" defined as "the added time caused by the interaction between bicycles and transit vehicles as buses pull in or out of the bus stops."

(DEIR, V.A.3-15)

However as to "Transit/Bicycle Delay," the EIR states, "Thorough analyses of the interaction between transit vehicles and bicycles operating on a parallel path do not exist," and the presence of bicycles is not accounted for in the calculation of the capacity reduction coefficients and it is assumed not quantifiable for the purposes of this study." (DEIR, V.A.3-18.) Thus, by creating an arbitrary standard and then stating it is not "quantifiable," the EIR exempts itself from identifying, analyzing and mitigating the impacts of bicycles on bus travel when bicycles occupy traffic lanes.

The EIR irrelevantly states: "The project would have a significant effect on the environment if it would cause a substantial increase in transit demand that could not be accommodated by adjacent transit capacity, resulting in unacceptable levels of transit service or cause a substantial increase in operating costs or delays such that significant adverse impacts to transit service levels could result. The Bicycle Plan would not impact transit demand. Therefore, the focus of the transit impact analysis was on transit delay." (DEIR, V.A.3-190)

The EIR then creates a threshold of significance from whole cloth: "A near-term improvement would have a significant impact on transit if one of the following is true: 1) For transit lines where the headway is greater than six minutes, the sum of the delay in both directions is equal to or greater than six minutes. 2) For transit lines where the headway is equal to or less than six minutes, the impact is significant if the sum of delay in both directions is equal to or greater than the headway of the affected transit line." (DEIR,V.A. 3-191)

The EIR contains no explanation of how it derived the six-minute per segment threshold. CEQA requires that thresholds of significance for general use by a lead agency in environmental review must be adopted by ordinance or other legislation, must be developed through a public review process, and must be supported by substantial evidence. (Guidelines §15064.7.) Instead, the EIR's threshold of significance of six minutes is arbitrary and calculated to evade analysis and mitigation of the Project's obvious impacts on transit as a consequence of eliminating traffic lanes and parking lanes.

Under the EIR's flawed methodology, if a segment transit delay is less than six minutes, the EIR concludes there is no significant impact on transit. A Muni line that travels through several segments could thus experience hours of delays with no disclosed significant impacts.

The EIR contains only this analysis by segments, thus failing to disclose the Project's significant impacts on transit, minimizing the few impacts it does disclose on only six segments of the "near-term improvements." [5]

The EIR contains no analysis of the Project's cumulative impacts on transit where transit riders might travel outside the segments in the EIR, transfer to reach their destination and be delayed on more than one bus line. The EIR also contains no calculation of the impacts over time on riders who commute to jobs daily. For example a rider experiencing a twenty-minute delay traveling over several segments in both the AM and PM commute hours would experience a 40-minute daily delay or a 200-minute (3 hours and twenty minutes) delay over a 5-day work week. The EIR contains no analysis of the number of riders affected. This type of analysis is omitted from the EIR and leads to a misleading result that minimizes the Project's impacts on transit-riders.

By segmenting the analysis of impacts on transit, the EIR improperly predetermines and minimizes the Project's obvious impacts on transit. The EIR's unlawful segmentation of environmental review also leads to its false conclusions. These are serious flaws that invalidate the EIR as an informational document and for the central purpose of mitigating the Project's significant impacts. "[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers and the public with the information about the project that is required by CEQA." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829.)

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[5] Project 2-1: 2nd Street bicycle Lanes, King Street to Market Street (DEI The EIR concludes that Muni Lin 10 (10 buses per hour) would experience an added delay of 14.1 minutes, but that other bus lines on the same corridor would not surpass the 6-minute threshold. (DEIR V.A.3-225, 3-226, 3-229, 3-340, 3-341.)

Project 2-4: ("preferred project design" C&R-301): 17th Street Bicycle Lanes, Corbett Avenue to Kansas Street , including connections to the 16th Street BART Station via Hoff Street or Valencia Street, and 17th Street to Division Street via Potrero Avenue (V.A.3-627; C&R-301) (Muni line 9 (16 buses per hour each way) and SamTrans Line 292 (16 buses per hour each way) would experience "significant delays")

Project 2-16: Townsend Street Bicycle Lanes, 8th Street to The Embarcadero (V.A.3-628; C&R-305) (Muni lines 30 (6 westbound and 22 eastbound buses per hour AM and 6 westbound and 30 eastbound PM) (DEIR, V.A.3-326; C&R 365-366)

Project 3-2: Masonic Avenue Bicycle Lanes, Fell Street to Geary Boulevard (V.A.3-628; C&R-366)

Project 5-4: Bayshore Boulevard Bicycle Lanes, Cesar Chavez Street to Silver Avenue (V.A.3-630 ["PSI-FMA" "feasible mitigation available"].)

Project 5-6: Cesar Chavez Street/26th Street Bicycle Lanes, Sanchez Street to US 101 (V.A.3.630; C&R-369)

The EIR also omits any analysis of delays and public safety impacts cause by allowing bicycles on board transit vehicles.

Further, the Project's adverse impacts on public transportation clearly conflict with City's "Transit First" policy.

16. The EIR Fails to Identify and Analyze the Project's Direct, Indirect, and Cumulative Impacts from Eliminating More than 2,000 Parking Spaces.

The EIR's Project description and baseline descriptions of existing parking make analysis of parking impacts impossible. The C&R document released on June 11, 2009, after the close of public comment, contains modifications to the Project description that remove several hundred more parking spaces than the Project descriptions in the DEIR. Both documents simply repeat the false and unsupported conclusion that parking is "not an impact" in San Francisco and that the Project need not analyze and mitigate the Project's significant impacts on parking.

The EIR claims that parking is not an impact in San Francisco, and excludes parking impacts from its "Summary of Significant Impacts and Mitigation Measures" (DEIR, ES-1 - 75; and *see* DEIR, pp. V.A.3-189- 3-190.)

The EIR states:

"San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel." (DEIR, V.A.3-189, repeated at 3-330, 3-387, 3-428, 3-447, 3-476, 3-494, 3-500, 3-503, 3-584, 3-609, 3-615, 3-620.; and C&R-8 - 9, 255. 270, 291, 292, 300, 304,318, 322, 325, 331)

This conclusion is unsupported and spurious. Under this rationale, air quality, noise, and many other impacts would be exempt from environmental review. CEQA's definition of the "environment" includes parking spaces. (PRC §21060.5 [Environment "means the physical conditions which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance."].) CEQA requires an accurate statement of the existing conditions (baseline) including, at minimum, the number of existing available parking spaces, the number of those spaces typically occupied at all times, and the number of parking spaces that will be removed by other projects in an area. CEQA then requires analysis of the impacts of the Project using the baseline conditions to project its impacts.

The EIR then claims that "Parking deficits are considered to be social effects, rather than impacts on the physical environment s defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment." (DEIR, V.A.3-189, repeated at 3-330-331, 3-387, 3-428, 3-448, 3-476, 3-494, 3-500, 3-584, 3-609, 3-615, 3-620;

and C&R 8-9, 255, 270, 291,292, 300, 304, 318, 322, 325, 331) This unsupported conclusion is inadequate as a matter of law, and is irrelevant to the impacts caused by the Project.

Existing parking deficits must be stated as baseline conditions in the EIR. This Project's "near-term improvements" will eliminate at least 1,914 parking spaces on city streets, *on top of already existing parking deficits.* The Project additionally proposes to eliminate parking in private and public buildings.

The EIR then states:

> Environmental documents should, however, address the secondary physical impacts that would be triggered by a social impact (CEQA Guidelines Section 15131(a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service, walking, and bicycling would be in keeping with the City's 'Transit First' policy. The City's Transit first Policy, established in the City's Charter Section 16.102 provides that 'parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation. (DEIR, V.A.3-189, repeated at 3- 195, 3-331, 3-387m 3-428-429,3-448, 3-477, 3-481, 3-494, 3-500, 3-584, 3-609, 3-615, 3-620; and C&R 8-9, 255, 270, 291, 292, 300, 304, 318, 322, 325, 331)

This Appellant requested all supporting data for the conclusions in the EIR, and in response received a letter from the City's Environmental Review Officer, Bill Wycko. Appellant reviewed the ancient documents cited by Mr. Wycko, and found they contained nothing to support the conclusions on parking in the EIR. [6]

[6] This Appellant requested supporting data for these statements but received only the letter from Mr. Wycko, in which he admits that he, himself, is the anonymous transportation planner whose personal "experience" formed the basis for this statement, with some attachments. However, Mr. Wycko produced no supporting evidence for his personal opinion, instead referring to ancient traffic (not parking) counts and personal e-mails and memos about the ball park. Mr. Wycko claimed that after development of high-rise office space in downtown San Francisco, that parking demand was reduced. (*See* Letter , Bill Wycko to Mary Miles, dated March 6, 2009.) Mr. Wycko also claims that after development of the AT&T ball park that fewer people travel by car to ball games. The EIR's claims were not supported by the documents Mr. Wycko referred to,

The EIR then concludes without any supporting evidence:

> "The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically off-set by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor and the traffic assignments used in the transportation analysis, as well as in associated air quality, noise, and pedestrian safety analyses, reasonably address potential secondary effects. (DEIR, V.A.3-190, repeated at 3-331, 3-387, 3-429, 3-448, 3-477, 3-481, 3-494, 3-501, 3-584, 3-609, 3-615, 3-620' and C&R 8-9,255, 270, 291, 292, 300, 304, 318, 322, 325, 331)

These same statements are routinely tacked onto every EIR produced by the City of San Francisco, even though no evidence exists to support these rote conclusions. Unsupported rote conclusions are inadequate as a matter of law to satisfy the requirements of CEQA.

Contrary to the EIR's statement, its "transportation analysis" contains no analysis that "accounts for potential secondary effects." (DEIR, V.A.3-190) The DEIR's conclusion that "any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor," is an unsupported conclusion in violation of CEQA.

The conclusory statements cited above are the only statements on parking in the EIR, and render the EIR a legally inadequate document that does not fulfill its requirement to inform the public and decisionmakers, and to mitigate the Project's significant impacts.

Impacts on parking are direct, indirect and cumulative environmental impacts under CEQA. (*See, e.g., Friends of "B" Street v. Cit of Hayward* (1980) (Loss of on-street parking "indicated that a finding of significant environmental effect was mandatory."); *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028 ("[T]raffic and parking have the potential...of causing serious environmental problems."); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.app.4th 656, 696-98, Fn.24 (Parking deficits were significant impact requiring mitigation). San Francisco is not above state law, and the Project's impacts on parking are not just about existing "parking shortfalls" or "deficits" but are about eliminating parking spaces on public streets and in public and private buildings. Further, indirect impacts must also be analyzed and mitigated to comply

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however, and no other documents were produced. The referenced documents are irrelevant, outdated, and do not support Mr. Wycko's personal conclusions on parking in the EIR.

with CEQA. CEQA also recognizes that effects on the business environment are economic and social changes that can be used to determine that a physical change is a significant effect on the environment. (Guidelines §§15064(e).) The Pubic Resources Code section 21083(b)(3) requires finding that a project may have a significant effect on the environment if it will cause substantial adverse effects on human beings, either directly or indirectly. Lack of parking is also recognized as a "Physical and economic condition...that cause[s] blight." (Cal.Health & Safety Code §33031(a)(2); *Evans v. City of San Jose* (2005) 128 Cal.app.4th 1123, 1149-50.) CEQA recognizes that the potential to indirectly cause urban blight is a significant impact on the environment. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004)124 Cal.App.4th 1184, 1204-05.)

17. The EIR Fails to Identify and Analyze the Project's Direct, Indirect, and Cumulative Impacts from Redirecting Traffic.

Although the EIR's near-term and long-term pieces of the Project call for reconfiguring many intersections, the EIR contains *no* analysis of the impacts of eliminating turn lanes or creating mandatory turn lanes.

18. The EIR Fails to Identify and Analyze the Project's Direct, Indirect, and Cumulative Impacts of Amending the General Plan, Planning Code, and Transportation Code.

The EIR contains *no* analysis of the direct, indirect and cumulative impacts of proposed amendments to the General Plan, Planning Code, and Transportation Code.

19. The EIR Fails to Identify and Analyze the Significant Direct , Indirect, and Cumulative Impacts of the "2009 Bicycle Plan"

Since it contains no description of the contents of the Plan, the EIR excuses itself from analyzing its impacts.

The EIR first simply declares that "the act of adopting the policy allowing for the implementation for these improvements is a purely administrative activity and would have no direct impact on the physical environment." (DEIR V.A.2-5) This is the wrong standard for analyzing impacts of General Plan and Code Amendments, and it violates CEQA, which requires analysis and mitigation of the impacts of such amendments.

The EIR's Project description admits:

"These policies would have an impact on the future direction and implementation of improvements throughout the City's bicycle route network, and would also affect areas currently outside the bicycle network, which could be affected by future bicycle route network changes. . . While adoption of the policy may not appear to have potential to cause direct or indirect impacts to the physical environment, future policy-based projects could include alteration with a potential to affect the environment. Such projects would require environmental analysis prior to their approval, unless the specific project in question has been analyzed as part of the current Bicycle

Plan EIR, or as part of some other approved environmental plan document." (DEIR, IV.B-50 - 51.)

The EIR thus improperly defers or exempts from environmental review admitted, known impacts of the Project. The EIR's failure to properly describe and analyze the changes proposed by the Project, including its amendment of the General Plan and City Codes, thus improperly defers analysis of known impacts to a future date without committing to a review or the mitigation of those impacts. Because the Project description is both false and misleading in understating the scope and nature of the Project and deferring analysis of "future policy-based projects" and "such projects" to some other time, it builds into the Project description an illegal exception to any environmental review.

The failure to analyze the 2009 Plan is even more egregious, because it corresponds closely to the "Framework document" that the Court explicitly ordered reviewed in its November 7, 2006 Order, its June 25, 2007 Judgment, and its July 25, 2007 Peremptory Writ of Mandate.

20. The EIR Fails to Disclose the Direct, Indirect, and Cumulative Impacts of the Project's Proposed "Long-term improvements."

The EIR improperly defers analysis of the impacts of proposed "long-term projects" within the Project.

"[A]n EIR must include an analysis of the environmental effects of future expansion or action if (1) it is a reasonably foreseeable consequence of the initial project; and (2) if the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (*Laurel Heights Improvement Assn. v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal. 3d 376, 396.)

The EIR admits that four "unavoidable impacts . . . could result from long-term improvements." (DEIR V.A. 2-6) Those impacts are "identified at the program level" as "Potential reduction in roadway capacity and increased traffic delays; reduction in the number of travel lanes could subject vehicles, including transit using the affected roadways, to increased congestion and delays; increased delays could result in drivers diverting to other, potentially less convenient, routes to access their destinations. ¶ Potential to cause the level of service at an intersection's worst approach, to deteriorate from LOS D or better to LOS E or F with Caltrans signal warrants met; and/or potential to have significant adverse impacts at intersections that operate at LOS E or F under existing conditions . . . ¶Potential to cause transit to experience increased travel time on streets where these improvements reduce capacity of roadways and result in significant increases in delay. ¶Potential to result in elimination of curb space currently dedicated to yellow commercial vehicle freight loading zones or active passenger loading/unloading zones." (DEIR V.A.2-6) The EIR combines all of these impacts into "Significant Impact TR-A1.2" (DEIR V.A.2-6), but repeats that "the specific designs for the long-term improvements are unknown at this time." (*Id.*) The DEIR then says, "The mitigation measures identified in Subsection V.A.5 would lessen some of the impacts that may result from

implementation of the long-term improvements. However, there would be some environmental impacts that would remain significant and unavoidable."

Thus, although it elsewhere identifies changes to specific streets as "long-term improvements," the EIR states it does not know what their impacts will be, but concludes that they would have significant unavoidable impacts that cannot be mitigated. This circular self-exemption and deferral of analysis and mitigation are illegal under CEQA.

21. The EIR Fails to Identify the Direct, Indirect, and Cumulative Impacts of the Project's Proposed "minor improvements"

The EIR excuses itself from describing, analyzing and mitigating impacts from physical changes to streets, sidewalks and traffic regulation by simply claiming that they are "minor improvements." The so-called "minor improvements" include changes to streets, sidewalks, and traffic regulation that must be analyzed in the EIR, that may be preempted, and that may not comply with existing traffic regulations.

22. The EIR Fails to Accurately Disclose Air Quality Impacts from the Project's Increased Traffic Congestion.

By using an inaccurate baseline, the EIR incorrectly concludes that the Project's impacts on traffic congestion will not cause significant impacts on air quality. (DEIR V.B-19) Instead of using a standard based on existing conditions, the EIR states the baseline is an adjusted standard based on speculation that in the year 2025 "increasingly stringent control measures" will be imposed. (DEIR V.B-19.) The agency may not use future speculation as a baseline for analyzing impacts under CEQA. Rather, it must use the actual conditions existing at the time of the Notice of Preparation of the EIR. (*E.g.*, *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955 ["An EIR must focus on impacts to the existing environment, not hypothetical situations."]; *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 119-120.)

Further, the EIR only analyzes exposure to bicyclists and not the general air quality affecting the other 99% of the population that does not ride bicycles in the city and region as required. (DEIR, V.B-19.)[7] In fact, numerous intersections and spillover streets will be affected by the Project's elimination of 56 traffic lanes and 1,914 parking spaces, and its forced turning designs on major thoroughfares. Further, air quality affects everyone, not just bicyclists.

The EIR spends pages on irrelevant boilerplate conclusions that construction activities related to the Project will not cause air quality impacts. (DEIR, V.B-20-23.) The EIR then concludes that, "Bicycle travel is an environmentally friendly means of transportation because there are no tailpipe emissions. . ." and repeats that although the Project "would increase traffic congestion," under its incorrect analysis based on a speculative baseline, it would not cause CO

[7] The EIR claims that "bicyclists using the bicycle routes installed under the Plan would be exposed to these higher MSAT exposures only over short segments of their routes that pass through the few intersections with increased traffic congestion resulting from Plan implementation." (DEIR, V.B-19.)

levels to exceed the ambient air quality standard, "and TAC emissions would be less than existing at all intersections." (DEIR V.B-22.)

The EIR then speculates with no supporting evidence that "Implementation of the Proposed Project would likely result in a net decrease in GHG emissions because the Proposed Project is expected to reduce emissions citywide by shifting a portion of motor vehicle trips to bicycle trips. However, the mode shift from cars to bicycles is not quantifiable, and therefore, the GHG analysis does not account for this potential decrease in GHG emissions." (DEIR, V.B-23.) This speculation about an unquantifiable future "mode shift" does not comply with CEQA.

The C&R dismisses criticism of the defective analysis by claiming that "Air quality impacts were discussed" in the Initial Study but were "scoped out of the Draft EIR." However, an Initial Study is not a substitute for analysis in the EIR and its conclusions are unsupported.

There is no legally adequate analysis of air quality impacts in the EIR or any other document provided by the city.

23. The EIR Fails to Identify, Analyze and Mitigate the Project's Noise Impacts.

The EIR's analysis of noise impact from the Project's increased traffic congestion is also defective and legally inadequate.

The EIR concludes that increased congestion will not result in increased noise, and, without supporting evidence, claims that noise would be reduced on seven of the sixty segments in the "near-term improvements." (DEIR, V.C-6) The EIR says, "This reduction would occur when new bicycle lanes are introduced to a street, and traffic flows are thereby relocated to portions of the street farther from the facing homes and other noise-sensitive receptors." (DEIR, V.C-6 - 7.) Thus, the EIR concludes that by moving the noise down the street, the Project will have no impacts. This is the type of evasion through unlawful piecemealing of environmental review that led to the injunction and peremptory writ on this Project.

Completely evading the Project's congestion-inducing impacts, which will cause traffic to take much longer to move from one point to another, the EIR then concludes, "Because the Proposed Project would not alter existing traffic volumes, it would not lead to an increase in traffic-related noise." (DEIR V.C-7.)

These unsupported conclusions do not comply with CEQA.

24. The EIR Fails to Identify the Project's Other Significant Impact from Increased Traffic Congestion, Degradation of Air Quality, Noise, and Degradation of Transit.

The EIR fails to address the Project's impacts on land use, emergency services, sidewalks, and human impacts.

25. The EIR's Conclusions on the Project's Impacts Are Not Supported by Substantial Evidence.

V. THE EIR'S CUMULATIVE IMPACTS ANALYSIS IS LEGALLY INADEQUATE.

CEQA requires analysis and mitigation of cumulative impacts when "the possible effects of a project are individually limited but cumulatively considerable... 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (PRC §21083.Guideliines 15130(a).) Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (Guidelines §15355.) "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (*Communities for a Better Environment v. California Resources Agency* (2002), 103 Cal.App.4th 98, 117.) Cumulative impacts analysis is necessary because "the full environmental impact of a proposed project cannot be gauged in a vacuum...environmental damage often occurs incrementally." (*Id.* at 118.); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 719-24; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74-77; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 872 (abuse of discretion and prejudicial error to exclude cumulative impacts analysis).)

The EIR contains no meaningful cumulative analyses. There is no identification of past projects affecting traffic, transit and parking, no identification or analysis of other current projects, and no identification and analysis of other probable future projects. Numerous other pending projects, such as the City's Market-Octavia Plan Project, and its Eastern Neighborhoods Plan Project, for only two examples of many, will alone have impacts on traffic, transit and parking, which must be identified in the EIR and analyzed in combination with the Project's impacts. That analysis is totally absent from the EIR. The EIR also fails to analyze its own cumulative impacts and defeats such an analysis by improperly segmenting the Project's "near-term improvements," deferring analysis of its "long-term improvements," omitting analysis of arbitrarily labeled "minor improvements," as well as omitting analysis of the Plan and the legislation amending the General Plan , Planning Code, and Transportation Code.

The omission of a cumulative impacts analysis makes the EIR inadequate as a matter of law.

VI. THE EIR FAILS TO MITIGATE THE PROJECT'S SIGNIFICANT DIRECT, INDIRECT, AND CUMULATIVE IMPACTS.

Even though the EIR identifies some of the Project's impacts on traffic, it declares them "unavoidable," concluding that they cannot be mitigated or that no feasible mitigation measures can be found. In other instances, proposed mitigation measures are ineffective or will themselves have impacts requiring environmental review that has not been conducted.

The Findings adopted by the Planning Commission list 46 significant impacts from the "near-term improvements" that it claims are significant but "unavoidable." (Planning Commission Motion 17912, Exhibit B.) There is no feasibility finding or explanation for the conclusion that these impacts are not mitigable. There is no analysis of Project alternatives that would mitigate each of the "unavoidable" impacts. No Findings are made for the "long-term" improvements, the Bicycle Plan itself, the proposed legislation amending the General Plan, Planning Code, and Transportation Plan. The Findings falsely claim without supporting evidence that the "minor improvements" will have no impacts and thus require no mitigation. (Planning Commission Resolution 17913, Exhibit A, p. 67.) The failure to mitigate *each* of the Project's impacts violates CEQA.

"Under CEQA, the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of the alternatives and mitigation measures." (*Mountain Lion, supra,* 16 Cal.4th at 134.) An agency must make specific findings as to *each* significant effect, based on substantial evidence in the administrative record, and cannot approve a project that will have significant environmental effects unless mitigation measures for each impact have been incorporated into the project or required by it that will avoid or substantially lessen that effect. (*Federation of Hillside and Canyon Associations v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1197; PRC §§21081, 21081.5; Guidelines, §§15091(a), (b); 15093; and *see Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 444 ["Section 21081 and Guidelines section 15091 require an agency to make findings for *each* significant environmental effect."].) "'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (PRC §21061.1)

"[I]f any of the project's significant environmental impacts will not be avoided or substantially lessened by mitigation measures, the agency must, before approving the project, make written findings that the project alternatives are infeasible." (*Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 373; PRC §21081(a)(3); Guidelines, §15091(a)(3).)

The separate CEQA Findings adopted by the Planning Commission (Resolution 17913, Exhibit A ["17913-A"]) make claims of mitigation that are unsupported, and unlawfully defer mitigation of "long-term improvements" (17913-A, p.21). The Findings admit that the Plan will have impacts, falsely claiming that they are analyzed in the DEIR. The Findings do not explain what the impacts are or how the inscrutable descriptions of mitigations would actually mitigate *each* impact. Instead, the Findings claim, for example, that "action 7.3 may result in significant impacts on the physical environment similar to those described in the draft EIR with respect to traffic, transit, and loading for the near-term and long-term improvements. . . including potential worsening of traffic levels-of-service, potential slowing of transit movement in the city, and potential reduction of truck loading spaces." (17913-A, p.24) The Findings then state that "mitigation measure M-TR-A7.3, which includes all the mitigation measures that would be implemented in association with the near-term and long-term improvements of the Bicycle Plan" shall be "implemented," but that "the potentially-significant impacts listed above would be reduced but would remain at a significant and unavoidable level" anyway. (17913-A, p.24.)

The EIR and Findings make unsupported conclusions that proposed mitigations will reduce the Project's significant impacts. For example, the EIR and Findings claim that adjusting traffic signals to lengthen the green time on segments where traffic lanes are eliminated to make bicycle lanes will mitigate the impacts of funneling traffic into fewer lanes. No evidence is presented to support this conclusion, and there is no analysis of the significant impacts of lengthening the red time on the perpendicular parts of the segments that will be affected. (*E.g.*, 17913-A, p. 16, ¶13.) CEQA requires that each mitigation of each significant impact and each finding must be supported by substantial evidence. (*Woodward Park Homeowners Association, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 724.) CEQA also requires that impacts caused by proposed mitigations must also be identified and analyzed. (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.app.4th 99, 130.)

The CEQA Findings further manipulate the segmentation in the EIR and its spurious six-minute threshold of significance to claim that impacts on transit would be reduced to a less-than-significant level. For example, the Findings claim that although Project 2-1 and Project 2-16 (construction of bicycle lanes on 2nd Street between King Street and Market Street and on Townsend Street between 8th Street and The Embarcadero) would result in significant delays , adding *14.4 minutes of delay* to Muni bus line 10 on those segments. (17913-A, .12, ¶6.) However, the Findings then claim that by the mitigations proposed on *other segments* the delay would be reduced to 4.8 minutes. Since the EIR has created an unsupported significance threshold of *six minutes per segment*, the Findings conclude that the 4.8-minute delay it claims would result from other mitigations would reduce the significant impacts to a less-than-significant level for these segments. (17913-A, 12, ¶6.) The CEQA Findings then repeats this unsupported formulaic number-crunching to claim that other segments would also be mitigated.

First, a 4.8-minute delay in one segment of a Muni route *is* a significant impact. Second, no evidence is presented showing that by mitigating impacts on other segments all other impacts will also be mitigated. Further, "[A] mitigation measure cannot be used as a device to avoid disclosing project impacts." (*San Joaquin Raptor Rescue Center v. County of Merced* 2007) 149 Cal.App.4th 645, 663-664.)

CEQA requires that public agencies refrain from approving projects with significant environmental impacts when there are "feasible alternatives or mitigation measures which would substantially lessen the significant environmental effects of such projects." (PRC §21002; and *see* Guidelines §§15002(a)(3); 15021(a)(2); and, *e.g., Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal. 4th 105, 134.) "'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (PRC §21061.1)

The EIR and Findings claim that there are no feasible mitigations for the numerous significant impacts identified by the EIR. However, the Findings present *no* evidence supporting the conclusions of the infeasibility of *each* mitigation. (*Protect Our Water v. County of Merced,* 110 Cal.App.4th at 373; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 599-601.) Findings on feasibility of mitigations and alternatives must be based on substantial

evidence in the record. (PRC §21081.5.) Such findings must set forth in writing that "Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." (PRC §21081(a)(3).)

The EIR's failure to propose and implement effective mitigations to the Project's significant impacts violates CEQA.

VII. THE EIR DOES NOT PROPOSE AND ANALYZE A FULL RANGE OF ALTERNATIVES.

"Under CEQA, the public agency bears the burden of affirmatively demonstrating that, notwithstanding a project's impact on the environment, the agency's approval of the proposed project followed meaningful consideration of the alternatives and mitigation measures." (*Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 134.)

Instead, the EIR states: "Unlike most EIRs, this EIR contains no separate chapter analyzing alternatives to the proposed project. This is because this EIR does not analyze a preferred project." (DEIR, ES-74) However, the C&R document contradicts that statement and does contain "preferred project designs" that are "modifications to options analyzed in the Draft EIR, and are encompassed by the range of project alternatives represented by the original options analyzed." (C&R-13) The "Supplemental Revision Memo to the Planning Commission," June 25, 2009, additionally sets forth a "preferred project" eliminating the purported "options" described as "near-term improvements."

"[I]f any of the project's significant environmental impacts will not be avoided or substantially lessened by mitigation measures, the agency must, before approving the project, make written findings that the project alternatives are infeasible." (*Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 373; PRC §21081(a)(3); Guidelines, §15091(a)(3).) The agency's findings must also describe the specific reasons for rejecting the alternatives identified in the EIR. (*Ibid.*) "And the findings must be supported by substantial evidence in the record." (*Ibid., and see* PRC §21081.5; Guidelines §15091(b).)

The EIR fails to propose a full range of alternatives to mitigate or eliminate each significant impact, and contains no coherent alternatives analysis in violation of CEQA. (Guidelines §15126.; and *see, e.g., Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 371.) In fact, the EIR presents *no* alternatives to the "Program-Level" proposals except fully accepting either "Alternative A," which "represents the adoption of the full set of program-level actions, namely all minor improvement projects and all long-term improvement projects," or "Alternative B -Sharrows) which would be limited to the installation of sharrows on street segments identified for long-term improvement, instead of other bicycle facilities." (DEIR, VII-12.)

The "Project-Level" alternatives analysis is incomprehensible, with significant impacts identified regardless of which "near-term" improvement is chosen. (DEIR, VII-12-VII-15.)

Thus, the proposed single "alternative" to the entire Project does not accomplish the purpose required by CEQA, which is to eliminate or mitigate the Project's significant impacts. "A major function of an EIR is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.app.4th 713, 735."

The EIR contains no analysis of off-site alternatives, which might, for example, propose bicycle lanes on streets where they would have less significant impacts. That omission also violates CEQA. (Guidelines §15126.6; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1456-1457; PRC §21002.1(a) [EIR "shall describe a range of reasonable be alternatives to the project, or *to the location of the project*, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."(emphasis added).].)

Rote, unsupported conclusions about the Project's goals in the Findings similarly do not satisfy the requirements of CEQA to consider alternatives in the EIR that would mitigate each of the Project's impacts. Furthermore, "A potential alternative should not be excluded from consideration merely because it would impede to some degree the attainment of the project objectives. " (*Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1354.)

The alternative analysis in the EIR is legally inadequate and unsupported by substantial evidence, and the EIR makes no serious attempt to propose or analyze alternatives that would substantially lessen any of the significant effects of the Project.

The Planning Commission's CEQA Findings reiterate the alternatives description in the EIR, along with its conclusions that the "Project Level Alternative A" would have "17 significant and unavoidable traffic impacts at 10 different intersections in Cluster 2; three significant and unavoidable traffic impacts at as many different intersections in Cluster 3; and 10 significant and unavoidable traffic impacts at four different intersections in Cluster 5. There also would be significant and unavoidable transit impact to four Muni and one SamTrans bus lines, all in Cluster 2 [and] four significant and unavoidable loading impacts in Cluster 2, and four significant and unavoidable loading impacts in Cluster 5," and that "Project-Level Alternatives B" would have even more "significant and unavoidable traffic impacts." (17413-A, p.74.) If "alternatives" do not lessen or eliminate impacts, they are not "alternatives" at all. Therefore the Findings, like the EIR, are legally inadequate because reasonable alternatives are not proposed or analyzed. Further the alternatives analysis had to be in the EIR to allow the public the opportunity to make informed comment and meaningfully participate in environmental review of the Project.

The Findings adopted by the Planning Commission on June 25, 2009, reject *all* "Project-Level" alternatives and "Program-Level Alternative B," (the "environmentally superior" alternative), and announce that MTA has come up with yet another "Preferred Project" (apparently more "preferred" than the ones in the June 11, 2009, C&R and the June 25, 2009,

"Supplemental Revision Memo to the Planning Commission." (CEQA Findings, 17413-A, p.75). However, the "Preferred Project" suffers from the same legal defects as the other alternatives-- It does not mitigate the significant impacts of the Project.

Furthermore, the last-minute *new* "preferred" Project must be recirculated because it substantially changes the Project description, the significant impacts of the Project and their severity, and because the public has been denied the opportunity to comment on and meaningfully participate in the environmental review of the "preferred Project."

The Findings also reject the No Project alternative as applied to the whole Project but do not analyze a No Project alternative to *each* of the Project's impacts individually. Thus, the EIR improperly segments the analysis of impacts but presents Project alternatives as an all-or-nothing ultimatum.

The reasons for rejecting the No Project alternative are legally inadequate, irrelevant and speculative, claiming that a greater number of people "would make bicycle trips if there were more bicycle lanes and sharrows on the roadways" and that "the City would not benefit from any potential air quality improvements that could result from an increase in bicycle mode share." (17413-A, p.72) These conclusions are inadequate as a matter of law and are unsupported by substantial evidence.

VIII. THE STATEMENT OF OVERRIDING CONSIDERATIONS IS FALSE, LEGALLY INADEQUATE AND IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE.

CEQA requires that no agency shall approve or carry out a project for which an EIR identified one or more significant effects unless the agency makes one or more of the following findings with respect to each significant effect: (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effect; and (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; and "(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." (PRC §21081(a).) After those findings are made, CEQA also requires, "With respect to significant effects which were subject to a finding under paragraph (3) of subdivision(a), the public agency finds that specific overriding economic legal, social, technological, or other benefits of the project outweigh the significant effects on the environment." (PRC §21081(b).)

If an agency proposes to adopt a project in spite of significant, unavoidable environmental impacts that cannot be mitigated, it must first adopt a statement of overriding considerations. (PRC §21081(b); Guidelines §15093.) "If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" (Guidelines, §15093(a).)

"When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record." (Guidelines §15093(b).)

On June 25, 2009, the Planning Commission adopted CEQA Findings containing a statement of overriding considerations ("the statement"). (17413-A, p. 121.) However, because the EIR does not contain a legally adequate alternatives analysis, the agency may not lawfully adopt a statement of overriding considerations. (*Woodward Park Homeowners Association v. City of Fresno* (2007) 150 Cal.App.4th 683, 718 [Where the alternatives analysis is incorrect or misleading, the statement of overriding considerations is skewed and does not properly weigh the trade-off of impacts versus benefits.) Further, the claim that the Project's serious impacts are "unavoidable" is unsupported fiction. The impacts could be avoided by mitigation, including modifying the Project, or by offering a full range of alternatives for each impact, including off-site alternatives and the No-Project alternative. Instead, findings that the impacts are unavoidable were false, because the two alternatives (including No Project) were presented as an all-or-nothing ultimatum.

Even if the statement of overriding considerations were preceded by a legally adequate EIR, the statement itself is false, irrelevant, legally inadequate and unsupported by substantial evidence.

The goals of the Project are irrelevant to the agency's burden to prove with substantial evidence that specific economic, legal, social, technological, or other benefits of the Project outweigh its purportedly unavoidable adverse environmental effects. Statements purporting consistency with the General Plan or other policies are likewise irrelevant and do not meet CEQA's requirement of substantial evidence for the tradeoff of giving over public streets and inflicting significant impacts on the vast majority of residents and visitors to benefit a tiny special interest group. The statement must specifically address each purportedly unavoidable impact and set forth with substantial evidence already in the EIR or in the record the reasons for its conclusions.

Statements of policy do not insulate a Project from CEQA's "central demand that environmental decisions be made after the public and decision makers have been informed of their consequences and the reasons for and against them." (*Woodward Park Homeowners Association, inc. v. City of Fresno, supra,* 150 Cal.App.4th at 718.) Therefore, discussions of goals, the General Plan, or other policy programs are meaningless in the statement.

"The statement's purposes are undermined if. . . it misleads the reader about the relative magnitude of the impacts and benefits the agency has considered." (*Woodward Park Homeowners Association, inc. v. City of Fresno, supra,* 150 Cal.App.4th at 718.)) Here, the statement fails to disclose that the magnitude of the impacts affects hundreds of thousands of transit riders, motorists, and pedestrians, as well as the air quality, land use, noise, and emergency services of the entire population of the area, while the purported benefits accrue to

one percent of the population that rides bicycles for any purpose. (SFCTA: *Countywide Transportation Plan*, July, 2004, p.39.) The statement's failure to disclose this information and to support its conclusions with substantial evidence in the record and the EIR make it legally inadequate. The statement only discusses advantages to bicyclists in a closed universe of bicycling, distorting the magnitude of the Project's impacts on the environment.

The statement consists largely of proselytizing for the Project and unsupported presumptions and speculation. Other statements are simply false or are unsupported conclusions, such as:

[7] "*By investing in and implementing the bicycle facility improvements, educational efforts, and innovative policies and programs recommended in the Project, the City will make bicycling a more viable mobility option. Finally, this Project supports larger City efforts to revitalize and transform its streets into more inviting public spaces that prioritize non-motorized travel.*" (17413-A, p. 124.)

Making bicycling a more "viable mobility option" for the one percent of travelers who choose bicycling does not outweigh the severe impacts of the Project on the 99% of the population who have chosen other "mobility option[s]" including public transit, cars, and walking. Supporting "more inviting public spaces that prioritize non-motorized travel" is a policy statement that is irrelevant. The pertinent burden on the agency was to address with substantial evidence why the Project's severe impacts on transit, traffic, parking, public safety, and air quality for the vast majority of people are outweighed by its benefits to a special interest group constituting less than one percent of the traveling population.

8. "*Bicycling not only has health benefits for the bicyclist, but also it contributes to an improved quality of life for society as a whole.*" (17413-A, p. 124.)

This statement is irrelevant and unsupported. The statement must state with substantial evidence why each specific significant adverse impact of the Project should be disregarded.

8.a. "*Bicycling can significantly reduce gridlock on, and facilitate more efficient use of, City streets. The vast majority of trips made by automobile are within a few miles of their origins. These short trips could be accomplished by bicycle, provided there is adequate and safe infrastructure. By promoting the policies and implementing the projects in this Project, the City can dramatically shift the number of people driving to more sustainable modes of travel. Augmented bicycle infrastructure and enhanced policies the promote bicycling . . . can also improve connections to other public transportation modes, further reducing the number of trips made by private automobile.*"(17413-A, p. 124.)

This statement is irrelevant, speculative, and unsupported by evidence. It incorrectly promulgates the fantasy that people will abandon driving and transit for bicycling if traffic lanes and parking spaces are eliminated. No evidence supports that fantasy or the claim that bicycles present a reality-based transportation option for most people. The statement must specifically address each impact caused by the Project and be supported by substantial evidence.

8.b. "*Health and safety: Bicycling not only provides an efficient mode of travel, but also a great way for people to exercise. As rates of obesity and physical inactivity continue to rise in*

America, the importance of bicycling cannot be understated. Even minimal amounts of bicycling have been shown to produce measurable physical and mental health benefits." (17413-A, pp. 124-125.)

These unsupported statements are irrelevant to the significant impacts on transit, traffic, and parking caused by the Project. The exercising benefits to the one percent of the population who use bicycles to travel do not outweigh the Project's significant impacts on the 99% of the population who do not use bicycles to travel. The statement must address the specific impacts and their magnitude, and must be supported by substantial evidence.

"Implementation of the near-term projects, enforcement policies, and education efforts in this Project will also result in increased visibility of bicyclists, a reduction in moving violations, and increased awareness of driver and bicyclists responsibilities. The end result will be a reduction in the number of bicycle collisions on City streets." (17413-A, p. 125)

This claim is speculative and unsupported by any evidence, since bicyclists are already visible, receive few, if any "moving violations" and according to the Plan itself the number of bicycle collisions have declined without the Project. Generalized speculation does not meet CEQA's requirements for a statement of overriding considerations.

8.c. *"Bicycles are the most environmentally sustainable vehicle available. They produce none of the greenhouse gases associated with global warming, nor any of the pollutants linked to asthma or other chronic health problems. Furthermore, bicycles are quiet and do not contribute to noise pollution. Implementation of this Project will undoubtedly facilitate the City's push to become a more sustainable City that preserves and protects its natural resources for future generations."* (17413-A, p. 125.)

This unsupported claim is irrelevant to the impacts of the Project, which the EIR concedes will cause congestion and slowing of transit, causing serious impacts on traffic, transit, parking and air quality that will result in worsened air pollution and noise. Again, the statement must compare the severity and magnitude of each of the Project's impacts to its benefits and its conclusions must be supported by substantial evidence.

8.d. *"The annual costs of congestion, pollution, traffic accidents, as well as constructing new, and maintaining existing, automobile infrastructure are significant. Augmenting and improving bicycling infrastructure in the City can significantly reduce the economic costs associated with driving by shafting drivers to more cost-effective transportation options."* (17413-A, p. 125.)

This statement repeats the unsupported speculation that drivers will shift to bicycling if "bicycling infrastructure," is improved. The statement is misleading in violation of CEQA. Since drivers fund the street infrastructure, and bicyclists fund nothing, the "economic costs" would logically increase, not decrease, if the number of drivers were reduced.

"Furthermore, increase bicycling infrastructure can improve access to many of the City's commercial corridors. Studies have shown that in a dense urban environment such as the city many shoppers do not access commercial centers by automobile, but rather through transit or other non-motorized modes. This Project would stimulate significant economic growth by

facilitating access to commercial zones and encouraging the development of these zones not just as shopping 'center,' but rather as vibrant public spaces." (17413-A, p. 125)

Nothing in the EIR or elsewhere supports the claim that the Project would stimulate economic growth. Making travel and transit more difficult and congested and eliminating parking are likely to have the opposite effect. In any event this speculation does not meet the agency's burden to prove with substantial evidence that specific economic, legal, social, technological, or other benefits of the project outweigh its adverse effects on transit, traffic, parking, land use, and public space.

8.e. *"Equity: The annual costs of driving are in thousands of dollars, leaving many segments of the population unable to afford the luxury of owning an automobile. Conversely, bicycles are one of the cheapest modes of transportation available. For many low-income individuals, bicycles constitute their predominant mode of travel. The implementation of the projects and policies in this Project will significantly expand bicycle infrastructure in the City, thereby providing enhanced transportation access to underserved segments of the population."* (17413-A, p. 125.)

The claims are unsupported that "many segments of the population" are unable to afford "the luxury of owning an automobile." In fact, most people in San Francisco own cars and the SFCTA projects that figure will rise. (SFCTA: *Countywide Transportation Plan*, July, 2004) There is no evidence that "many low-income" individuals use bicycles as their "predominant mode of travel" or that the Project will provide "enhanced transportation access to underserved segments of the population." In fact, the Project will cause significant impacts adversely affecting the large demographic of working people who must commute from outlying areas to jobs in San Francisco because they cannot afford to live here. Access to transportation for all segments of the population will be adversely affected by the Project's impacts on transit, traffic, and parking. Therefore, this statement is misleading and legally inadequate, and is unsupported by substantial evidence. Further, it does not address the specific impacts of the Project.

The statement of overriding considerations then mechanically goes through some of the Project's "near-term improvement" significant impacts that it claims are "unavoidable." (17413-A, pp. 125-132.) Similar unsupported cheerleading and proselytizing are interspersed with unsupported statements that dismiss the seriousness and magnitude of the impacts and "mislead[s] the reader about the relative magnitude of the impacts and benefits the agency has considered." (*Woodward Park Homeowners Association, inc. v. City of Fresno, supra,* 150 Cal.App.4th at 718.) Even assuming that the EIR does not reach false, misleading conclusions by unlawfully piecemealing the "near-term improvements" into segments of streets, the statement is legally inadequate because it does not weigh the magnitude of the impacts against the purported benefits of the Project. Instead, the statement only considers the benefits to bicyclists.

For example, the impacts on transit, traffic, parking, and pedestrians from "Project 2-1, 2nd Street Bicycle Lanes, King Street to Market Street," the statement states without support that "recent bicycle counts have shown an increase in the number of bicyclists using this corridor" but that "Unfortunately, the narrow width of the street and high traffic volumes make 2nd Street a particularly challenging bicycling environment." (17413-A, p. 126.) The EIR states

that bicycle ridership is "low" on this major thoroughfare, meaning fewer than 100 bicyclists in a peak hour, but that it carries high volumes of transit and traffic. (DEIR V.A.3-47).

The Project claims that 99% of the population must suffer delays in transit and traffic and the impacts of eliminating thousands of parking spaces because the "bicycling environment" is "challenging" in several other parts of the statement.[8] However, this speaks to both the Project's misleading claim that the "bicycling environment" is separate and superior to the "environment," and the presumption that "challenging" conditions for bicyclists on heavily-travelled thoroughfares must be made less "challenging" regardless of significant adverse impacts on the vast majority of travelers.

The environment protected by CEQA is the whole environment, not just a fictitious "bicycling environment." The environment belongs to everyone, not just a special interest group. The statement must speak to the Project's impacts on this larger environment and all the people in it.

The statement similarly claims that the Project will "fill gaps" in the "bicycle route network," provide "links" from one point to another, "facilitate connections," or "create continuous bicycle infrastructure."[9] However, this special interest does not weigh those purported benefits against the Project's impacts on hundreds of thousands of transit riders and other travelers.

Thus, the statement of overriding considerations speaks falsely with the insular presumption that if the Project benefits a tiny special interest, its serious impacts need not be considered at all. The same false assumption flaws the entire statement.

The statement mechanically repeats its cheerleading and speculative verbiage as "overriding considerations" to the purportedly "unavoidable" significant impacts of the "long-term improvements" that it claims cannot be identified in the EIR. (17413-A, pp. 132-134) . For example, the statement claims without evidentiary support that: "The 2009 Bicycle Plan and long-term improvements are necessary components to ensuring that San Francisco becomes a world-class bicycling City. . . As bicycling continues to emerge in San Francisco as a preferred and safe alternative transportation option, it will be essential for the City to continue to expand and modify the Bicycle Route Network and respond to changes in demand for bicycling infrastructure." The statement of overriding considerations is thus improperly used to exempt the Project from further environmental review of the "long-term improvements." Under CEQA, the statement must *specifically* address the overriding considerations for *each* "unavoidable" significant impact. The statement claims without specificity that "Many of the long-term improvements have not been finalized and will be undergoing significant levels of additional

[8] *See, e.g.*, 17413-A, pp. 126 (Project 2-1["challenging"); 128 (Project 2-7 ["challenging"); p. 130(Project 5-4 ["challenging"); p. 131 (Project 5-6 ["inhospitable"]), 132 (Project 6-5 ["challenging").

[9] *See, e.g.*, 17413-A, pp. 125 (Project 1-3), 126 (Projects 2-1, 2-2), 127, (Projects 2-3, 2-4), 128 (Projects 2-7, 2-9), 129 (Projects 2-11, 2-16, 3-2), 130 (Projects 5-4, 5-5), 131 (Projects 5-6, 5-13), and 132 (Project 6-5).)

study. As these projects undergo further design and environmental study it is expected that some of the identified impacts will be addressed through design changes or reduced to a less than significant level via mitigation." (17413-A, p.134.) However, CEQA requires that the EIR describe the Project, identify the impacts of "long-term improvements" and proposed mitigations or alternatives that will lessen their known impacts now, not at some unspecified future date.

The statement continues with an improper done-deal presumption: "Having considered these specific Project benefits, including the overall benefits of bicycling discussed above, the Board finds that eh Project's benefits outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable." For the foregoing reasons, and because it presumes the Board's findings, which must be made independently of the Planning Commission's findings, this statement violates CEQA.

IX. THE BOARD MUST INDEPENDENTLY CONSIDER THE MATTERS SET FORTH IN THIS APPEAL AND MAKE ITS OWN FINDINGS *BEFORE* IT MAY CONSIDER ADOPTING LEGISLATION TO ADOPT OR IMPLEMENT THE PROJECT.

As this Appellant has previously written, the Board must independently consider the matters set forth in this Appeal and make its own written Findings, *before* it may adopt legislation implementing the Project.

X. THE PROJECT IS PREEMPTED.

A number of the Project's proposed traffic regulations are preempted because they are already in, or conflict with, provisions of the California Vehicle Code.

XI. CITY MAY NOT AMEND ITS GENERAL PLAN, BECAUSE ITS GENERAL PLAN IS SUBSTANTIALLY OUT OF COMPLIANCE WITH THE REQUIREMENTS OF THE GOVERNMENT CODE.

XII. EVEN IF CITY'S GENERAL PLAN WERE VALID, THE PROJECT IS INCONSISTENT WITH THE GENERAL PLAN AND CREATED INTERNAL CONFLICT IN THE GENERAL PLAN, INCLUDING ITS INCONSISTENCY WITH TRANSIT FIRST AND THE PRIORITY POLIICIES OF PROPOSITION M.

CONCLUSION

For the foregoing and other reasons, certification of the EIR by the Board would be an abuse of discretion and failure to proceed in a manner required by law under CEQA. Re-adoption of agency findings and the agency's statement(s) of overriding considerations would also be an abuse of discretion since they are legally inadequate and unsupported evidence.

The Board should therefore grant this Appeal and should not adopt the Project or any implementing legislation until and unless the EIR, findings, and the Project itself fully comply with CEQA and other laws. The EIR should be returned for revision and be recirculated for public review and comment to comply with CEQA, and other remedies as noted in our Notice of Appeal and as may be raised in these and further proceedings.

DATED: August 4, 2009

Mary Miles
Attorney for Appellant, Coalition for Adequate Review

ROGER P. MAINERI
CONSULTING ACOUSTICAL ENGINEER

Director of Public Works
Department of Public Works
Room 348, City Hall
San Francisco, CA 94102

Aug 1, 2009

(13)

Subject: Service Request # 942963, graffiti
Gentlemen:

We have been notified again to remove graffiti from our building. We have been notified twice within the last 30 days.

At present, these vandals are painting graffiti at least twice a week, primarily on the Capp St side. One of the reasons this occurs so often is that the street light on Capp St. is burned out or broken.

We would like to see a program initiated similar to the one in Los Angeles, whereby the perpetrators are required to either remove or paint over graffiti as part of their sentence. This would require more assistance from the police department.

We realize that this would be difficult to do with the Police Department so over burdened. We would like to see a committee of property owners organized to combat this problem.

We have removed the graffiti today, August 1, 2009.

Sincerely,

Roger P. Maineri

Roger P. Maineri

cc: Board of Supervisors

3140 21ST STREET, SUITE 102-3 • SAN FRANCISCO, CA 94110 • 415-647-2076 FAX 415-647-2077
3865 HIGHWAY 30 • LONEDELL, MO 63060 • 314-629-5120

(13)

BOS-11, GJ, cpage 8/18

City and County of San Francisco

Department of Public Health

Gavin Newsom
Mayor

Mitchell H. Katz, MD
Director of Health

MEMORANDUM

14

DATE: August 6, 2009

TO: David Chiu, President
San Francisco Board of Supervisors

FROM: Mitchell H. Katz, MD
Director of Health

SUBJECT: **Department of Public Health Budget Cuts**

We understand that SEIU has asked to meet with members of the Board of Supervisors at San Francisco General Hospital (SFGH) to discuss anticipated budget cuts at the Department of Public Health (DPH). I wanted to provide some background of what we anticipate occurring this fiscal year.

Due to the City's financial difficulties, DPH looked for ways to decrease its reliance on the general fund for Fiscal Year 09-10. We worked to do this without reducing doctors, nurses and social workers in our department, and at the same time preserving as many community services as possible. Nonetheless, difficult decisions had to be made to reach the financial target. The budget submitted to the Board of Supervisors included the elimination of 552 positions at DPH for a general fund savings of $8,811,575.00.

We were very pleased that the Board was able to add back $500,000 related to Class 2302 Nursing Assistant, which reduced the number of positions that must be eliminated this fall. As it stands now, the budget includes a skill mix conversion with 292 Nursing Assistant positions being cut and an equivalent number of Class 2303 Patient Care Assistant positions added.

As background, we changed the skill mix at SFGH in FY08-09 by reducing Nursing Assistant positions and adding 88 Patient Care Assistant positions. Following discussions with the City's Department of Human Resources (DHR) and SEIU, we were able to offer the Patient Care Assistant positions to displaced Nursing Assistants in order of seniority, which allowed for seamless employment for staff interested in this opportunity. Staff were oriented to their new responsibilities at SFGH, and patient care was supported.

We anticipate a similar skill mix conversion at Laguna Honda Hospital (LHH) this fiscal year. LHH and SFGH will continue utilizing Nursing Assistants to perform restorative care and education, and both hospitals will utilize Patient Care Assistants to perform routine duties under the direct supervision of licensed nurses.

14

(415) 554-2600 101 Grove Street San Francisco, CA 94102-4593

DPH's FY09-10 budget also includes the elimination of 201 clerical positions in Class 1424 Clerk Typist, 1426 Sr. Clerk Typist, 1444 Secretary I and 1446 Secretary II, and the creation of 123 clerical positions, primarily in Class 1406 Senior Clerk. This anticipated reduction in clerical services will affect the entire department, and our managers are currently reviewing how some of the clerical work can be consolidated or absorbed. Clerical staff subject to layoff may have opportunities in other City departments, and we will work with DHR and SEIU to ensure that employees are informed of their Civil Service rights and any employment opportunities.

Finally, our Nursing Assistants and clerical staff have layoff protection through mid-November, based on the City's agreement with SEIU. If the Board, our labor partners, or others have alternative solutions to resolve these difficult budget issues and avoid anticipated layoffs, we would welcome them. Please feel free to contact me (415-279-6143) or Anne Kronenberg (415-554-2898) if you have questions.

cc: Angela Calvillo, Clerk of the Board
Steve Kawa
Gregg Wagner
Ben Rosenfield
Monique Zmuda

C page

8/18

OF SUPERVISORS
FRANCISCO

AUG 10 AM 11:01

YERBA BUENA COMMUNITY BENEFIT DISTRICT

YBCBD

August 6, 2009

15

Angela Cavillo
Clerk of the Board of Supervisors
City of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Ms. Cavillo,

On behalf of the Board of Directors of the Yerba Buena Community Benefit District, we are proud to present the 2008-2009 Yerba Buena Community Benefit District's annual report. This report includes information on the activities and achievements of the organization over the year. We think the Board of Supervisors will be pleased with our efforts thus far.

We've also enclosed two postcards that have been mailed to all of our constituents. One is a map of the district and the other is an announcement of cleaning and community guide services. The latter has a perforated business card with the phone number of the YBCBD Dispatch Center and was distributed to everyone in the district, including renters.

Please extend our thanks to the Board of Supervisors for their ongoing support of the Yerba Buena Community Benefit District. We look forward to working in partnership to enhance the experience of those who live, work, and visit the Yerba Buena neighborhood.

Sincerely,

Dan Goldes
YBCBD Board Treasurer

Cathy Maupin
Interim Executive Director

15


WELCOME
YERBA BUENA CBD NEWS
N
3705
3705Z
3706
Market St.
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Stevenson St.
Jessie St. West
Jessie St. East
Annie St.
New Montgomery St.
Jessie St.
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Benefit Zone 1
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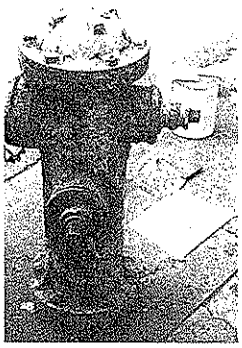
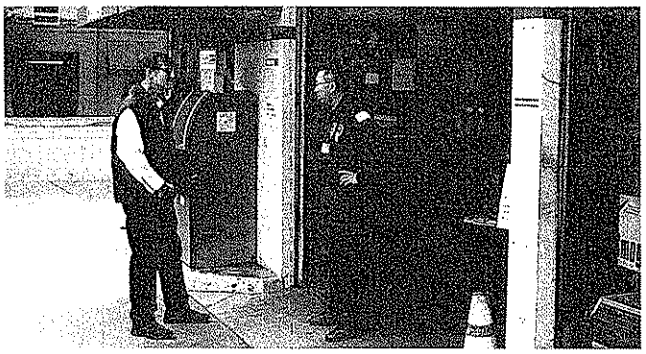
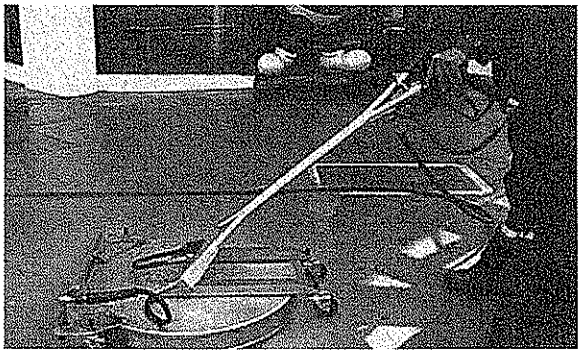
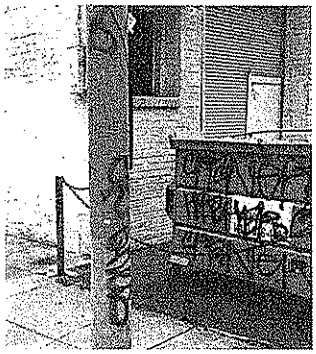
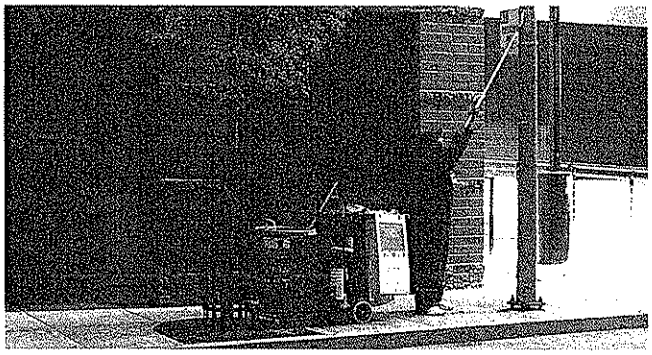
Benefit Zone 4
Benefit Zone 5
Union Square BID parcels (Not in Yerba Buena CBD)






YERBA BUENA COMMUNITY BENEFIT DISTRICT
YBCBD



8/18

CITY AND COUNTY OF SAN FRANCI
OFFICE OF THE CONTROLLER

To: Angela Calvillo,
Clerk of the Board
From: Office of the Controller
City Services Auditor

Monique Zmuda
Deputy Controller

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 JUN -8 PM 3:30

16

AUDIT MEMORANDUM

DATE: June 8, 2009

TO: Anne Hinton, Executive Director, Department of Aging and Adult Services

FROM: Tonia Lediju, Audit Director

SUBJECT: **Aging and Adult Services Lacks Key Accounting Controls to Safeguard Client Assets in Three of its Programs**

INTRODUCTION

This memorandum provides the results of the City Services Auditor (CSA) Division's review of procedures and internal financial controls protecting client assets in the Public Administrator (estate), Public Guardian (guardian), and Representative Payee (payee) programs of the Department of Aging and Adult Services (DAAS). DAAS is a department within the Human Services Agency (Human Services). This review did not include the Public Conservator, a similar program within DAAS that does not record client transactions in the same software system as the other programs reviewed.

At the request of Human Services, the review assessed the adequacy of DAAS's internal controls over its financial operations related to client asset transactions recorded in its accounting system. In addition, the review examined DAAS's written policies and procedures related to those financial operations. During the early survey phase of the review, some internal financial controls were found to be weak. For example, DAAS could not produce any bank account reconciliations for its operating or investment accounts for July 2007 through December 2007 for the estate, guardian, or payee programs. Further, written policies and procedures for client accounting financial operations were found to be inadequate.

As a result of survey work conducted, CSA auditors concluded that the financial information is not auditable and further audit work will not be performed at this time. However, at the end of this memorandum, there are three recommendations to DAAS for correcting problems found during the survey.

16

BACKGROUND & METHODOLOGY

The Department of Aging and Adult Services (DAAS) provides services to adults through several programs, including the Office on Aging, In-Home Supportive Services, Public Guardian, Public Conservator, Public Administrator, Representative Payee, Adult Protective Services, and the County Veterans Service Office. This review concerned internal financial controls over cash assets of clients in the Public Administrator (estate), Public Guardian (guardian), and Representative Payee (payee) programs, and the department's policies and procedures that are part of those internal financial controls.

The largest of the three programs, the estate program, administers the estates of deceased San Francisco residents when no family members are able or willing to act, when required by the California Probate Code, and when appointed by the Superior Court. Among other responsibilities, the estate program manages all assets, monitors creditor claims, reviews taxes, and provides all services necessary to administer each estate, including distribution of assets to heirs and beneficiaries. As of December 2007, the estate program was managing 471 cases with a total value of $31.5 million.

The guardian program provides conservatorship services for San Francisco seniors and adults with disabilities who are substantially unable to provide for their own personal needs of food, clothing, shelter, or medical care, and/or are unable to manage finances or resist fraud or undue influence. The guardian program operates under the authority and direction of the California Probate Code and the Superior Court. Among other responsibilities, the guardian program develops care plans for clients' immediate and long-term care, manages its clients' finances, and reports instances of elder abuse. As of December 2007, the guardian program was managing 469 cases with a total value of $10.5 million.

The payee program is a voluntary program that manages money for adults and elderly individuals with physical and/or mental impairments who cannot manage their own funds. The program ensures that the daily living needs of clients are being met. As of December 2007, the payee program was managing 1,656 cases with a total value of $3.8 million.

The scope of the review covered the period July 1, 2007, through December 31, 2007, and was limited to assessing the adequacy of:

- Internal controls over financial transactions affecting client assets and funds held in checking and investment accounts.
- DAAS's policies and procedures for financial operations of the three programs.

To perform the review, CSA auditors interviewed Human Services and DAAS management and staff, and reviewed policies and procedures documentation, various financial reports, and financial transaction data. CSA auditors also reviewed previous audit work, including reports released in 1999 and 2003 and related follow-up reports on the status of the recommendations made in those audits.

FINDINGS & CONCLUSIONS

DAAS cannot provide to its management or to the public accurate financial information or assurance that client funds in the estate, guardian, and payee programs are properly accounted for. The review found, for example:

- An investment account statement showing the total value of invested funds of $44.6 million at December 31, 2007, which was not reconciled to any corresponding cash account balance or subset of client cash balances in the accounting system for any of the three programs.
- A reconciliation report for the guardian program operating account at June 30, 2007, that was out of balance by over $10,000 and there was no reconciliation for the guardian program operating account for December 31, 2007.
- There were no bank reconciliations for the payee account for the six months we reviewed.

As discussed in the findings below, this review could not verify the cash accounts in the accounting systems, and neither DAAS staff nor its software consultants could reconcile program cash and investment accounts to bank statements. Further testing would not confirm whether controls are adequate to accurately report what share of program assets belongs to each client, because there are not adequate controls to ensure that the total assets of each of the three programs are accurately reported. Therefore, further audit work will not be performed at this time.

1. DAAS' Client Asset Accounting System Does Not Permit Some Necessary Accounting Procedures

DAAS staff should be able to reconcile the estate, guardian, and payee program cash and investment account balances shown on its bank and investment statements to the balances for those same accounts in its accounting system. During the review's initial survey of the system, which took place during February and March of 2008, neither DAAS staff nor their software consultants were able to produce reconciled bank statements for the operating and investment accounts for the review period.

Also during the survey, DAAS was unable to successfully perform other procedures to ensure that the financial data within the estate, guardian, and payee programs were complete. The accounting system that the three programs use does not produce some traditional financial reports. One such report is a trial balance of accounts, which permits fiscal managers to verify, by comparing the asset and liability account balances to source documents, that the system is accurately reporting all of the transactions that were processed up to the end date under review.

2. Client Cash Accounts and Program Balances in DAAS' Client Asset Accounting System Do Not Reconcile

Instead of a trial balance, the software used by DAAS performs a validation routine comparing the amount that the system calculates the cash accounts should reflect to the current balance showing in the accounting records. However, during the survey CSA auditors found that some of the clients' cash account balances that DAAS and its software consultants attempted to verify contained errors in the financial data. Consequently, the review found that DAAS was unable to verify that all transactions had been recorded, or that the underlying balances in the client ledgers within the three programs were accurate.

The estate, guardian, and payee programs each use the same proprietary software to perform accounting functions for clients. According to DAAS accounting staff and the software consultants, a key internal control over the integrity of the accounting data involves generating monthly "Verify Balances" reports for the cash accounts for each program. However, when CSA auditors observed the closeout process for the month of February 2008 for the payee program, the operating cash account did not balance, and software consultants who work onsite at DAAS were only able to find the cause for a portion of the error. Subsequently, DAAS accounting staff provided the auditors with another "Verify Balances" report generated for the guardian program, which showed that five individual burial savings accounts were out of balance.

3. DAAS Lacks a Comprehensive Policies and Procedures Manual for Its Financial Operations

A 2003 Controller's Office audit found that DAAS did not have formal policies and procedures, and recommended that it develop them. A 2005 Controller's Office follow-up report to that audit concluded that the recommendation was implemented, since DAAS management had informed us that a formal policies and procedures manual had been developed. However, the binder of documents we were provided during this review was not a comprehensive or complete manual because it lacked:

- A table of contents or index
- Management approval of the manual or its contents
- Numbered pages for ensuring completeness
- An easily discernable organizing principle

The binder contained a generic high-level procedures manual prepared by the software vendor, a mix of copies of emails, software screenshots, and a few written procedures for performing individual tasks. CSA auditors asked the Human Services' fiscal manager who oversees the DAAS's accounting operations her opinion of the manual, and she agreed that it was not adequate. She said she planned to work with staff to develop an improved one.

Recommendations

For DAAS to improve its financial management over estate, guardian, and payee client assets, it should:

1. Require its software contractor to make necessary upgrades or improvements to the accounting system, so that monthly bank and investment statement reconciliations can be properly performed. Until such time as these upgrades or improvements can be completed, DAAS should implement a manual reconciliation process. One such process might be to compare the total client assets recorded in the accounting system to the total balances on bank and investment statements, adjusted for timing differences such as outstanding checks, deposits in transit, and valuation differences on investments.
2. Compile and distribute to accounting staff a comprehensive policies and procedures manual for its financial operations, which will provide guidance to staff on how to perform their work. The manual should be regularly updated with new or revised policies and procedures that are appropriately reviewed and approved by management.
3. Reconcile estate, guardian, and payee program account imbalances in the accounting system as soon as possible after each month-end closing, and run periodic trial balances to ensure that total amounts held in the accounts appear reasonable. This will enable DAAS accounting staff to ensure that any problems that may be occurring in underlying client accounts are identified.

We would like to extend our appreciation to you and all your staff who spent time working with us and answering our questions. If you have any questions or concerns about this memorandum, please call Debbie Gordon, Audit Manager, at (415) 554-7414, or e-mail her at Deborah.Gordon@sfgov.org.

cc: Ben Rosenfield, Controller
Robert Tarsia, Deputy Audit Director
Phil Arnold, Deputy Director, Human Services Agency
Nikki Iroko, Fiscal Manager, Human Services Agency
Shireen McSpadden, Deputy Director of Programs, Department of Aging and Adult Services
Mary Ann Warren, Assistant Public Administrator, Public Guardian, Public Conservator, Department of Aging and Adult Services

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ATTACHMENT: DEPARTMENT RESPONSE

City and County of San Francisco

Gavin Newsom, Mayor

Human Services Agency
Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

April 17, 2009

Mr. Ben Rosenfield, Controller
City Hall
1 Dr. Carlton B. Goodlett Place, Room 316
San Francisco, CA 94102-4694

Dear Mr. Rosenfield:

I am writing in response to your Audit Memorandum dated March 31, 2009 concerning the findings of your review of procedures and internal financial controls in the Public Administrator, Public Guardian and Representative Payee programs administered by the Department of Aging and Adult Services (DAAS).

Through these three programs, DAAS manages the assets of over 2,500 individual clients. The assets of these clients are all invested through the City Treasurer and are tracked in the City's FAMIS accounting system. Although it is difficult to provide an accurate summary report for each of the individual client accounts, it is clear from our review that individual client accounts are accurate and verifiable and that appropriate controls are in place. Furthermore, individual account records continue to be submitted to the Court for review and no discrepancies have been identified. However, your review identified weaknesses in some internal financial controls and inadequacies in written policies and procedures. To correct the deficiencies that your review has identified, we have taken the following steps:

1. We have entered into an agreement with your office to provide technical assistance to DAAS in the form of bank account reconciliations for operating and investment accounts for these programs, the development of monthly financial reports for these programs and the development of written internal financial controls and procedures to ensure timely and full reconciliation of accounting for client assets in all three programs.

2. We are performing monthly manual bank reconciliations for each of these programs retroactive to January 1, 2007.

3. We have instructed the software contractor (Panoramic) for these three programs to make necessary upgrades and improvements so that monthly bank and investment statement reconciliations can be properly performed.

P.O. Box 7988, San Francisco, CA 94120-7988 • (415) 557-5000 • www.sfgov.org/dhs

4. We are developing a comprehensive written policies and procedures manual for use by the staff in the accounting unit that supports these programs.

5. We are implementing new internal controls and procedures for the accounting staff that supports these programs.

6. We have requested approval to fill the vacant supervisor position for the accounting unit that supports these programs.

7. We have worked with the City Treasurer to separate the investment accounts for the three programs so the assets in these programs can be clearly and distinctly identified. We have also established an investment account in the software system to track investment activities.

Thank you for assisting us in reviewing the internal controls and procedures for these programs and for making recommendations which will improve the accountability of these programs.

Sincerely,

For Anne Hinton, Executive Director
Department of Aging and Adult Services

ATTACHMENT: DEPARTMENT RESPONSE

Recommendation	Responsible Agency	Response
1. Require its software contractor to make necessary upgrades or improvements to the accounting system, so that monthly bank reconciliations can be properly performed. Until such time as these upgrades or improvements can be completed, DAAS should implement a manual reconciliation process. Once such process might be to compare the total client assets recorded in the accounting system to the total balances on bank and investment statements, adjusted for timing differences such as outstanding checks, deposits in transit, and valuation differences on investments.	DAAS	Upon instruction, the software contractor has made necessary enhancements in Panoramic (e.g. set up of additional G/L Accounts, redesigned of reconciliation formats, and cleared up most of the conversion-related bugs, including the recurring errors in the Burial Trust cash ledgers of five Public Guardian clients). These improvements will allow a timely monthly reconciliation of clients' assets for all three DAAS programs. They will also allow a full and separate reconciliation of the investment account. We have taken advantage of the technical assistance from the Controller's office and have made good strides in identifying, analyzing, and adjusting for the timing differences between Panoramic "book" balance and the and the bank balance and the valuation differences on the investment.
2. Compile and distribute to accounting staff a comprehensive policies and procedures manual for its financial operations, which will provide guidance to staff on how to perform their work. The manual should be regularly updated with new or revised policies and procedures that are appropriately reviewed and approved by management.	DAAS	We are drafting and compiling a comprehensive, organized policies and procedures handbook. The handbook will have numbered pages, a table of content, reference materials and guides. Once the draft is finalized, but before it is released for staff use, it will be submitted for management review and approval. An electronic copy of handbook will be maintained by the unit supervisor who will update it regularly and obtain management approval as new or revised policies and procedures are implemented.

ATTACHMENT: DEPARTMENT RESPONSE

Recommendation	Responsible Agency	Response
3. Reconcile estate, guardian, and payee program account imbalances in the accounting system as soon as possible after each month-end closing, and run periodic trial balances to ensure that total amounts held in the accounts appear reasonable. This will enable DAAS accounting staff to ensure that any problems that may be occurring in underlying client accounts are identified.	DAAS	We have completed manual bank reconciliations on the Public Administrator and the Public Guardian Burial and Operating Cash accounts retroactive to January 1, 2007. We hope to complete the Representative-Payee outstanding reconciliations in the coming weeks. Now that the necessary system improvements are in place, we will be able to successfully run all the month-end closing reports and perform a timely monthly reconciliation in Panoramic. Our goal is to start performing the monthly cash reconciliations for all three programs on a periodic, consistent basis, **by 21st of every month for the previous month just ended).** Below are some of the corrective measures we are implementing to strengthen our internal controls: ➢ Instructed Panoramic to add safeguards to "lock-down" reconciled balances (i.e. prevent users from making such edits or reversing adjustments that have the potential to change the balances of accounts that have already been reconciled). ➢ Developed a safeguard that permits the use of the "reverse button" only in the same month as transactions are created (as long as the month is still open). All post-period adjustments in Panoramic must be made with adjusting entries, properly supported with clear and complete documentations, and submitted for supervisory review and approval. ➢ Perform a periodic monitoring and clearing of dated open checks, and work with programs to develop a prudent check stale-dating policy for the respective programs.

rec'd 8/10/09
C-Pages
Angela Calvillo
File
8/18

CITY AND COUNTY OF SAN FRANCISCO

12

ANNUAL SALARY ORDINANCE

Document is available at the Clerk's Office Room 244, City Hall

File No. 090778 Ordinance No. 183-09

FISCAL YEAR ENDING JUNE 30, 2010

17

rec'd 8/10/09
8/18

C-pages
Angela Calvillo
File

18

City and County of San Francisco

Consolidated Budget

and

Annual Appropriation Ordinance

Fiscal Year Ending June 30, 2010

File No. 090779 Ordinance 184-09

Gavin Newsom, Mayor

Document is available
at the Clerk's Office
Room 244, City Hall

18

8/18

Board of Supervisors/BOS/SFGOV
08/10/2009 12:32 PM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Bayview in the year 2009

Francisco Da Costa
08/09/2009 10:18 AM

To Francisco Da Costa
cc
Subject Bayview in the year 2009

19

Bayview in the year 2009:

http://www.franciscodacosta.com/articles/bayview149.html

Francisco Da Costa

19

8/18

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Date: August 7, 2009

To: Members of the Board of Supervisors

From: Angela Calvillo, Clerk of the Board

Subject: Form 700

This is to inform you that the following individual has submitted a Form 700 Statement of Economic Interests to my office.

William Barnes-Legislative Assistant

BDS-11, AC
C-pages 8/13

August 4, 2009

TO: Members, Board of Supervisors ("Board")
City & County of San Francisco:
President David Chiu; Supervisors Alioto-Pier, Avalos, Campos, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, and Mirkarimi
Clerk of the Board, Angela Calvillo
FR: Marilyn Amini, S. F. resident

— HAND DELIVERED @ 8/4/09 BOARD hearing on matter

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG -5 AM 10:43

21

SUBJECT: "Board of Supervisors Sitting as a Committee of the Whole", Items 22 and 23 on the Board's August 4, 2009 Regular Meeting Agenda -- Board Files 090867 & 090868, respectively.

REQUEST: Schedule full Board action on subject items' agenda-noticed "Question: Shall this Ordinance be PASSED ON FIRST READING?" to subsequent Board meeting pursuant to Board Rules.

Board Rules Clearly set forth procedure for the handling of proposed legislation. Board Rules ("Rules") require that[1]

1. All Board business "**shall be** referred to Board committee(s) **before** consideration by the Board..." [Rule 2.1. Board Actions., Rule 2.11. Committeee Reference., Rule 2.13. Pending Legislation., Rule 2.14 Committee Action., which Rules are set forth in Board Rules, **Section 2. Legislative Process.**][2]

2. To come before the full Board legislation **must be** reported out of Committee to the full Board and **be** included in the NEW BUSINESS section of the full Board Regular Meeting Agenda. [Board Rules, **Section 3. Order of Business**] Per "Rule 3.7. New Business. This item includes legislation reported to the full Board by Board committees **prior to 9:00 a.m. on the Thursday preceeding** the Tuesday Board Meeting." **N.B.:** "As an **exception** to the New Business rule, legislation...heard **after the 9:00 a.m. Thursday deadline** may be considered by the Board as a committee report **if** the chair has...requested the Clerk of the Board to **include the item on the printed agenda under Committee Reports at the end of New Business.**" [Rule 3.8.]

3. **Full Board action** on proposed legislation **can legitimately occur only when, and if,** a matter is included on the Board's regular meeting printed agenda in such specific categories as are set forth in Board Rules **Section 3. Order of Business.** at Rules 3.5, 3.6, 3.7, 3.8, or 3.11.

4. Subject Files 090867 and 090868 have been called out of Committee pursuant to "Rule 5.32. The Board May **Call** a Measure **from Committee.** The Board by majority vote may order, by written motion, that a measure which has been referred to committee be returned to the Board at its next meeting." Note that action was taken by the Board to call said Files from Committee at its **July 28, 2009** regular meeting. Notice of same, pursuant to Rule 5.34, is required to be provided **after** a matter **"has been** called out of committee...".

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1. Pertinent Rules include, but are not limited to, those Rules cited herein.
2. Emphesis [bolding] hereat, and as found in following citations, added.

21

5. **The Board "Sitting as a Committee of the Whole" is bound by such Board Rules as pertain to Board Committees.**[3] [N.B.: No hearing has been held before the assigned Committee prior to action to call the matter out of Committee.[4]]

Such standard and established legislative process, as is set forth in Board Rules cited above, not only is required by law, but insures due process to San Franciscans. After subject 8/4/09 full Board 'Committee of the Whole' hearing, members of the public would be provided the usual opportunity to respond, in writing, regarding issues raised and comments made by public and supervisors, thereat, and opportunity to submit same for supervisors' perusal **before** full Board "First Pass" action at the time the matter is scheduled on the Board agenda under NEW BUSINESS **as is required by "the New Business Rule".** [Again, see No. 2 above regarding same.]

On Monday morning, August 3, 2009 I discussed the above issues with Board Clerk, Angela Calvillo. I submit same, in writing herewith, for the record.

---

3. Copy of Board August 4, 2009 Regular Meeting Agenda re subject Files find attached as **Exhibit 1** hereto.
4. See copies of Files 090867 and 090868 Master Reports ("MR"), attached hereto as **Exhibit 2**, showing same; and note said MR print-date of 8/3/09.-- no notation, re 7/28/09 Board action calling matter out of Committee, is included thereon. And see attached, as **Exhibit 3**, a copy of Board **July 28, 2009** Regular Meeting Agenda -- referred to in No. 4 above -- whereat Item 36 is proposed Motion to call subject matter out of Committee. Also see, attached as **Exhibit 4** hereto, a copy of such notice as was provided -- note reference to Rule 5.34 required notice in No. 4 above -- showing a "POSTED" date of "**July 24, 2009**" and a "PUBLISHED" date of "**July 26, 2009**", provided four (4) and two (2) days, respectively, **before the Board acted** to call the matter out of Committee.

Respectfully submitted,

Marilyn Amini
(415) 681-1825

cc: City Attorney Dennis Herrera
Mayor Gavin Newsom

EXHIBIT 1
8/4/09-Amini

Board of Supervisors Sitting as a Committee of the Whole

Called from the Land Use and Economic Development Committee

22. 090867 **[Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan]**
Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.
(Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

23. 090868 **[Bicycle Plan adoption and related General Plan amendments]**
Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto.
(Planning Department)

Question: Shall this Ordinance be PASSED ON FIRST READING?

City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

EXHIBIT 2.1
8/4/09-Amini

File Number: 090867 **File Type:** Ordinance **Status:** First Reading

Enacted: **Effective:**

Version: 1 **Reference:** 090868 **In Control:** Land Use and Economic Development C

File Name: Zoning - Planning Code amendments in connection with the 2009 Bicycle Plan **Introduced:** 7/14/2009

Requester: Planning Department **Cost:** **Date Passed:**

Comment No Fiscal Impact **Title:** Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

Indexes: **Sponsors:**

History of Legislative File 090867

Ver	Acting Body	Date	Action	Sent To	Due Date	Pass/Fail
1	President	6/30/2009	RECEIVED AND ASSIGNED	Land Use and Economic Development Committee		

7/28/09 - 30-Day Rule waived by President Chiu.

City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

EXHIBIT 2.2
8/4/09-Amini

File Number: 090868	**File Type:** Ordinance		**Status:** First Reading
Enacted:			**Effective:**
Version: 1	**Reference:** 090867		**In Control:** Land Use and Economic Development C
File Name: Bicycle Plan adoption and related General Plan amendments			**Introduced:** 7/14/2009
Requester: Planning Department	**Cost:**		**Date Passed:**
Comment No Fiscal Impact	**Title:** Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto.		
Indexes:			**Sponsors:**

History of Legislative File 090868

Ver	Acting Body	Date	Action	Sent To	Due Date	Pass/Fail
1	President	6/30/2009	RECEIVED AND ASSIGNED	Land Use and Economic Development Committee		

7/28/09 - 30-Day Rule waived by President Chiu.

EXHIBIT 3
8/4/09-Amini

34. ROLL CALL FOR INTRODUCTIONS

Roll call for introduction of ordinances, resolutions, charter amendments, requests for hearings, letters of inquiry, letters of request to the City Attorney and Board Members' reports on their regional body activities.

35. PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes.

Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. Rules of Order Section 3.11 provides that a unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Items 36 through 44

36. 090950 **[Calling File Nos. 090868 and 090867 from Committee to the full Board of Supervisors, and calling for the Board to sit as a Committee of the Whole on August 4, 2009]**

Supervisor Chiu

Motion calling from the Land Use & Economic Development Committee, File Nos. 090868 [Bicycle Plan adoption and related General Plan amendments] and 090867 [Zoning - Planning code amendments in connection with the 2009 Bicycle Plan]; and calling for the Board to hear these items as the Committee of the Whole on August 4, 2009.

7/21/2009, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Question: Shall this Motion be APPROVED?

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

EXHIBIT 4
8/4/09-Amini

NOTICE OF MATTER CALLED OUT OF COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

Matter: 2009 San Francisco Bicycle Transportation Plan & Planning Code Amendments

Location: City Hall, Legislative Chamber, Second Floor

Hearing Date: August 4, 2009

NOTICE IS HEREBY GIVEN that pursuant to Rule 5.32 the following matter has been called out of the Land Use & Economic Development Committee by Supervisor Chiu at the Board Meeting of July 28, 2009:

File No. 090867 Ordinance amending the San Francisco Planning Code by amending Sections 155, 155.1, 155.4, and 155.5 in connection with the 2009 Bicycle Plan; and making various findings, including environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1.

File No. 090868 Ordinance adopting the 2009 San Francisco Bicycle Transportation Plan; rescinding Ordinance No. 0109-05 in its entirety; amending the San Francisco General Plan in connection with the San Francisco Bicycle Plan; adopting environmental findings and findings that the General Plan amendment is consistent with the General Plan and eight priority policies of Planning Code Section 101.1; and authorizing official acts in connection thereto.

The public will have an opportunity to speak during the public comment period of the Board's agenda.

Persons who are unable to attend the hearing may submit written comments regarding this matter prior to the beginning of the hearing. These comments will become part of the official public record.

Angela Calvillo, Clerk of the Board

POSTED: July 24, 2009

PUBLISHED: July 26, 2009

File # 090913
9/13

rayray

08/04/2009 03:35 PM

To david.campos@sfgov.org

cc board.of.supervisors@sfgov.org, Linnette Peralta Haynes <Linnette.PeraltaHaynes@sfgov.org>;

bcc

Subject letter of support for the Bicycle Plan Project FEIR from your District 9 Representative on the Bicycle Advisory Committee

20

Dear Supervisor Campos,

Thank you once again for the honor of serving you and District 9 on the Bicycle Advisory Committee. This afternoon's full board meeting includes an important item that will determine how the city's Bicycle Plan will proceed. It is item 090913 [Affirming certification of the Bicycle Plan Project FEIR] on the agenda. And though I am unfortunately unable to speak in person at the hearing, I'm wanting to make sure that you are made aware of how important it is for this Final Environmental Impact Report to be approved.

As someone who has been a longtime cyclist and District 9 resident, I can attest to the enormous amount of outreach, information dissemination, publicity and community engagement by the SFMTA to ensure that a comprehensive, inclusive and balanced Environmental Impact Report for the Bicycle Plan is accomplished.

I thus urge you to vote for the approval of the Bicycle Plan Project FEIR.

Please feel free to contact me if you have any additional questions or concerns.

Sincerely,

Rachel Ebora
Bicycle Advisory Committee appointee
District 9
San Francisco

22

8/18

"Roberts, Kingsley" <Kingsley.Roberts@sfdpw.org>
08/07/2009 03:35 PM

To Board of Supervisors <Board.of.Supervisors@sfgov.org>
cc "McDaniels, Chris" <Chris.McDaniels@sfdpw.org>, "Mulkerrin, Martin" <Martin.Mulkerrin@sfdpw.org>, "Prather, Joel" <Joel.Prather@sfdpw.org>, "Kelly, Mike"
bcc
Subject RE: BOARD OF SUPERVISORS INQUIRY # 20090728-005

23

The referenced pothole was filled on July 28th.

Kingsley Roberts
Assistant Superintendent
Department of Public Works, BSSR
2323 Cesar Chavez
San Francisco, CA 94124
Phone: 415-695-2087
Fax: 415-695-2097

-----Original Message-----
From: McDaniels, Chris
Sent: Thursday, August 06, 2009 2:55 PM
To: Mulkerrin, Martin; Kelly, Mike; Prather, Joel
Cc: Roberts, Kingsley
Subject: FW: BOARD OF SUPERVISORS INQUIRY # 20090728-005

Fyi.

-----Original Message-----
From: Rodis, Nathan
Sent: Thursday, August 06, 2009 2:33 PM
To: McDaniels, Chris
Cc: Nuru, Mohammed
Subject: FW: BOARD OF SUPERVISORS INQUIRY # 20090728-005

Chris,

Please respond directly to the Board of Supervisors and copy Supe. Mirkarimi. Please use the reference number in your reply title, and copy Frank W. Lee and myself because we are tracking these requests.

Thank you!

Nathan Rodis
Assistant to the Director's Office
Department of Public Works
1 Dr. Carlton B. Goodlett Place
City Hall, Room 348
San Francisco, CA 94102
Ph: (415) 554-6920 Fax: (415) 554-6944

-----Original Message-----
From: Board of Supervisors
Sent: Friday, July 31, 2009 11:24 AM
To: Reiskin, Ed
Subject: BOARD OF SUPERVISORS INQUIRY

23

BOARD OF SUPERVISORS INQUIRY
For any questions, call the sponsoring supervisor

TO: Edward Reiskin
Public Works

FROM: Clerk of the Board
DATE: 7/31/2009
REFERENCE: 20090728-005
FILE NO.

Due Date: 8/30/2009

This is an inquiry from a member of the Board of Supervisors made at the Board meeting on 7/28/2009.

Supervisor Mirkarimi requests the following information:

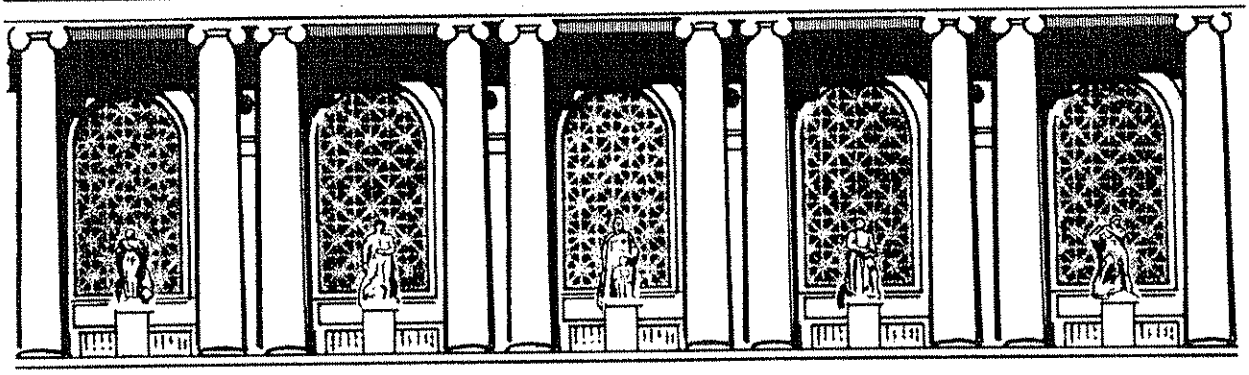
Requesting the Department of Public Works to report on the status of repairing potholes at the following location: 1288 - 6th Avenue, south bound lane of 6th Avenue

Please indicate the reference number shown above in your response, direct the original via email to Board.of.Supervisors@sfgov.org and send a copy to the Supervisor(s) noted above.

Your response to this inquiry is requested by 8/30/2009

8/18

THE PVBLIC LIBRARY OF THE CITY AND COVNTY OF SAN FRANCISCO
FOVNDED A.D. MDCCCLXXVIII ERECTED A.D. MDCCCCXVI
MAY THIS STRVCTVRE THRONED ON IMPERISHABLE BOOKS BE MAINTAINED AND CHERISHED FROM GENERATION TO GENERATION FOR THE IMPROVEMENT AND DELIGHT OF MANKIND



24

The Original Library Movement

August 10, 2009

James Chaffee
63 Stoneybrook Avenue
San Francisco, CA 94112

Sups

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 AUG 10 PM 1:28

Member, Board of Supervisors
City Hall
San Francisco, CA 94102

Re: Democracy in its Representative Form: An Attendance Policy

Dear Supervisor:

The problem of representative government is that those appointed to representative bodies usually get their positions in dramatically unrepresentative ways. Often they are political contributors, politically or socially prominent for some reason, or all too often are associated with an economic interest be it contractual, employment or fundraising. In the library it is well known that the organization the public library raises money to support, the Friends & Foundation, controls appointments to the Library Commission. That being so, the Library Commissioners consider the public representation aspect of appointment to the Library Commission not only superfluous and ridiculous, but slightly humiliating. Having to listen to public concerns expressed by the public themselves is not much of an honor and they are embarrassed to have to do it.

The truth is that not only don't Library Commissioners represent the public in any demographic or political sense, they don't represent the public in any practical sense. An imperfect but nevertheless meaningful measure of this is whether commissioners come to meetings and take an active part in consideration of policy.

In recognition of the Board of Supervisors' responsibility in setting the policy for the City of San Francisco, Supervisor Tom Ammiano, on August 3, 2006, introduced a resolution at the Board of Supervisors urging "Each City board, commission or advisory body to adopt an internal policy regarding members'

24

attendance at meetings of the body." The resolution was No. 502-06, file No. 061175. It was passed without committee reference on August 15, by a vote of 10-0 with Alioto-Pier being absent, and it was signed into law by the Mayor on August 17, 2006. The text of the resolution made it clear that the intention was to combat what it called "excessive absenteeism" and thereby increase the representative nature of government both in terms of diversity and responsiveness.

On September 18, 2006, without any direct reference to that resolution, Mayor Newsom sent out a letter to all Department Heads and Commission Secretaries under his appointment power emphasizing the desirability of good attendance and setting what it referred to as "baseline standards."

The Mayor's letter set three specific standards. (A) First, it stated that a 100% attendance should be a working goal and that as a practical matter it is appropriate to request that each commissioner have at least 90% attendance. (B) Second, it requested that an attendance report be submitted to his office at the end of each fiscal year. (C) Third, the letter asked that commission secretaries contact his office when any commissioner "misses a meeting without contacting the department in advance," or "a commissioner has missed three meetings in a fiscal year."

What has been the practical implementation of this policy? In the past fiscal year, that is the last twelve months ending June 30, 2009, there have been 20 Library Commission meetings. When the policy was established, the Library Commission scheduled 22 meeting per year, twice a month on the First and Third Thursday with only one meeting in July and August. Since that time, the Library Commission reduced the schedule to twenty with only one monthly meeting in January, July, August and December.

In those 20 meetings from July 2008 to June 2009, the Library Commissioners had the following attendance:

Commission President Jewelle Gomez: Missed 4 (Attendance 80%), Late 1
Commissioner Al Harris/Teresa Ono: Missed 0, (Attendance 100%) Late 0
Commissioner Mel Lee: Missed 5 (Attendance 75%), Late 0
Commissioner A.Lee Munson: Missed 2 (Attendance 90%), Late 0
Commissioner Larry Kane: Missed 4 (Attendance 80%), Late 9
Commissioner Lonnie Chin: Missed 4 (Attendance 80%), Late 11
Commissioner Carlota del Portillo: Missed 6 (Attendance 70%), Late 2

The first notable thing is Commissioner Chin's penchant for being late. In fact Ms. Chin was late or absent for every meeting from November 6 to May 21, ten meetings in a row.

It is significant that there was only one "unexcused" absence and that was Commissioner del Portillo on October 16, 2008. That may be because the Library Commission itself adopted a policy that redefined unexcused absences to include excuses supplied retrospectively, in contradiction of the Mayor's definition. It must mean something that the only Library Commissioner with perfect attendance was the one who resigned, Al Harris, to be replaced by Teresa Ono, but it is not clear what.

By the standard outlined in the Mayor's letter, the Mayor's office should have been contacted about five of the seven commissioners. This pretty much makes nonsense out of the Mayor's "working goal" of 100% attendance and practical standard of 90% attendance. As bad as this is, it represents a sort of progress for the Library Commission, if only because there were no meetings that were cancelled for lack of a quorum and that has happened with some regularity in previous years.

If the Mayor and the City and County of San Francisco enforced Tom Ammiano's original concept, it would embarrass the irresponsible money changers that run the Public Library. That is not going to happen. In the meantime, it is merely a very small clue as to the anti-democratic forces at work.

Very truly yours,

James Chaffee

"James Chaffee"

08/10/2009 12:17 AM

To <Bevan.Dufty@sfgov.org>, <board.of.supervisors@sfgov.org>, <Carmen.Chu@sfgov.org>, <Chris.Daly@sfgov.org>, "David

cc

bcc

Subject Chaffee -- Library Commission Attendance - Another Blackeye to Privatization

Dear Friends,

Attached please find my letter to the Board of Supervisors of August 10, 2009. The public interest gets short shrift when the success is measured by private fundraising. In a representative democracy the people's representatives can be evaluated in many ways. The most direct way is whether they are present at meetings to exercise their responsibilities. In recognition of this, Mayor Newsom attempted to set a standard of attendance for his appointed commissioners. The Library Commission is not doing too well as the attached letter shows. The text is pasted below for your convenience.

James Chaffee,

Member, Board of Supervisors
City Hall
San Francisco, CA 94102

Re: Democracy in its Representative Form: An Attendance Policy

Dear Supervisor:

The problem of representative government is that those appointed to representative bodies usually get their positions in dramatically unrepresentative ways. Often they are political contributors, politically or socially prominent for some reason, or all too often are associated with an economic interest be it contractual, employment or fundraising. In the library it is well known that the organization the public library raises money to support, the Friends & Foundation, controls appointments to the Library Commission. That being so, the Library Commissioners consider the public representation aspect of appointment to the Library Commission not only superfluous and ridiculous, but slightly humiliating. Having to listen to public concerns expressed by the public themselves is not much of an honor and they are embarrassed to have to do it.

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Very truly yours,

James Chaffee

"James Chaffee"

08/08/2009 09:17 PM

To <Bevan.Dufty@sfgov.org>, <board.of.supervisors@sfgov.org>, <Carmen.Chu@sfgov.org>, <Chris.Daly@sfgov.org>, "David

cc

bcc

Subject Chaffee -- New Protection for Open Government Activists

Dear Friends,

Today's SF Chronicle Reports that Governor Schwarzenegger signed Senate Bill 786 which protects litigants who bring Open Meeting or Open Records lawsuits from having to pay the legal fees of the public agency defendant if or when they lose, except in the most extreme cases of a suit that is "clearly frivolous."

This was a bill sponsored by San Francisco's Leland Yee who quite correctly focused on the chilling effect that such a burden would have on those who are willing to challenge secrecy and anti-democratic tactics in government.

State Senator Leland Yee has been a champion for open government on several occasions. The bill is directed at a growing tendency of government entities to use the Anti-SLAPP statute to attack those who bring open government complaints. It is easy to see that in this case the roles are reversed. The Anti-SLAPP statute was designed to protect activists from legal retaliation by corporations or deep pocket defendants. For publicly funded governmental agencies to use it against open government activists turns it on its head. As Senator Yee quite correctly observed, ""The anti-SLAPP law was designed to protect freedom of speech and petition; not to chill an individual's right to participation and ability to access public documents."

Senator Yee's press release on the subject is at:
http://dist08.casen.govoffice.com/index.asp?Type=B_PR&SEC={EFA496BC-EDC8-4E38-9CC7-68D37AC03DFF}&DE={A1FBB409-B725-4B62-A2F8-EAF0A62E06B3}

The Chronicle article is below.

James Chaffee

Article:Lawsuit losers not liable for agency legal fees:/c/a/2009/08/07/BA5L19553M.DTL
Article:Lawsuit losers not liable for agency legal fees:/c/a/2009/08/07/BA5L19553M.DTL

8/18

Board of Supervisors/BOS/SFGOV
08/10/2009 11:32 AM

To BOS Constituent Mail Distribution,
cc
bcc
Subject Fw: Statue of Neda Agha-Soltan at San Francisco's City Hall

25

Sarbaze Kuchak

08/07/2009 11:46 PM
Please respond to emailguard455-khorshid@yahoo.com

To
c

Subject Statue of Neda Agha-Soltan at San Francisco's City Hall

To:
The Honorable Gavin Newsom, Mayor of San Francisco (gavin.newsom@sfgov.org)
The City and County of San Francisco Board of Supervisors (Board.of.Supervisors@sfgov.org)
The San Francisco Human Rights Commission (hrc.info@sfgov.org)
Secretary of The San Francisco Arts Commission (sharon.page_ritchie@sfgov.org)
Dear Mayor Newsom/recipient:

On July 25 2009, a plaster casting of Neda Agha-Soltan, the young Iranian woman killed in the recent events Francisco City Hall. The portrait bust, which is presently being cast in bronze, shows Neda, a victim of the Is

We, the senders of this letter, Iranians, Americans and concerned individuals from around the world, while fi *space* , namely San Francisco's City Hall, not as a celebration of what Neda represents and is a symbol of, bu view, the installation of such a statue, though pleasing the supporters of theocracy in Iran, is an unequivocal,

Like millions of her compatriots, Neda was a freedom loving Iranian woman who had no choice but to obey t Republic the wearing of the Hejab is mandatory. There exist other pictures of Neda which attest to her rejecti to obey the laws of the Islamic Regime even in death.

We ask, would Neda herself be happy with such a caricature?

Her life having come to a tragic end, Neda, of course, can no longer speak, to personally let the City Hall knc be identified with that symbol of subjection and servitude called the Hejab, even after her death.

25

We wonder how the two governing bodies could be differentiated on the basis of their actions, when the Islar very Hejab on a victim of the Islamic regime right by its doorsteps.

We ask The Honorable Gavin Newsom, Mayor of San Francisco, The City and County of San Francisco Boa the statue from the premises of the San Francisco City Hall, or replace it with another, showing a Neda finall young woman opposed to the Hejab, and internationally recognized as the symbol of freedom for Iranian wo

We ask, most respectfully, that you set Neda free.

We shall wait eagerly for a response to this letter, a statement announcing the decision you have made in this

Sincerely Yours,
Khorshid (http://
(I must sign this letter anonymously for my own safety. I am its author. My name will be send to you immec

Notes:

*This letter in no shape or form is meant to belittle the works of the American artist Paula Slater, who has be sympathy, and would be very pleased to see her commissioned to create a new bust that we have suggested.

** Some pictures of Neda:
http://www.latimes.com/news/nationworld/world/la-neda-agha-soltan-pictures,0,5241125.photogallery?inde

http://www.latimes.com/news/nationworld/world/la-neda-agha-soltan-pictures,0,5241125.photogallery?inde

http://www.flickr.com/photos/sugar_mind/3662242105/

http://i25.tinypic.com/254x9wo.jpg

Irene Davies

08/09/2009 05:36 PM

To Recpark.commission@sfgov.org, gavin.newsom@sfgov.org, Sean.elsbernd@sfgov.org, board.of.supervisors@sfgov.org,

cc

bcc

Subject Sharp Park Golf Course and Habitat Restoration

26

Dear Mayor Newsom, Mayor Lancelle, Honorable Supervisors and Commissioners,

I am a resident of Pacifica and a volunteer of the Golden Gate Parks Conservancy for almost two years. I would suggest that the Sharp Park Gold Course be converted to a 9 hole golf course and convert the rest of the area closest to Mori Point as a habitat for the endangered Red Legged Frogs, San Francisco Garter Snakes, and other wildlife.

The golf course has gone thru quite a lot of changes since its original design. In the winter time, it is mostly wet and not playable. It is mostly below sea level and just one break from the man made berm would wipe it out. It has been very costly to maintain with taxpayers dollars for only a few to use. There are other historical significances that are not accessible to the general public because it is a golf course. The draining of the ponds for the golfers resulted in losses of red legged frog eggs.

What are the future financial liability to San Francisco and to Pacifica, if we are to maintain this golf course as 18 holes? What are the future implication of chemical contaminates that will pollute our water?

Thank you for reading my comments.

Irene Lee

26

"Linda Mar Florsit"

07/31/2009 12:03 PM

To <Recpark.commission@sfgov.org>, <gavin.newsom@sfgov.org>, <Sean.elsbernd@sfgov.org>, <board.of.supervisors@sfgov.org>,
cc <info@sfpublicgolf.com>

bcc

Subject Save Sharp Park Golf Course

Dear Mayor Newsom, Mayor Lancelle, Honorable Supervisors and Commissioners,

I am a Pacifica resident, writing to urge you to preserve the historic 18-hole Sharp Park Golf Course.

I've lived in Pacifica all my life. Grew up near the golf course in Fairway Park. The game of golf is a very peaceful game & golfers have a true love of nature & peaceful serene surroundings as well as respect for wild life living there. Please do not touch the golf course. Leave it alone. The frogs & snakes will thank you. Margit Ingram

July 29, 2009

Mayor Gavin Newsom
City Hall
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

✓ The San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

The San Francisco Park & Recreation Commissioners
McLaren Lodge
501 Stanyan Street
San Francisco, CA 94117

WE URGE YOU TO KEEP OPEN THE HISTORIC 18-HOLE ALISTER MACKENZIE-DESIGNED SHARP PARK GOLF COURSE. IT IS AFFORDABLE, POPULAR, AND USED BY THE ENTIRE RAINBOW OF SAN FRANCISCO GOLFERS, IN ALL THEIR ETHNIC, SOCIAL, ECONOMIC, AND LIFESTYLE VARIETY.

Sincerely,

The Undersigned

AS OF THIS MAILING, THERE ARE 1307 ON LINE SIGNATURES. THIS IS JUST A SAMPLING.

23. jeff volosing
22. Frank Vella
21. james m tway
20. Bob Cook
19. Lena Norfelt
18. Bob Cook
17. George Allen
16. John Mikulin
15. David Downing
14. Robert Matthews
13. nathan kelley
12. douglas freedman
11. Al Del Rosso
10. Butch Larroche
9. Dave Eison
8. Cris Marotto
7. Kathy Lemmon
6. Dennis Fuller
5. Nora Bergman
4. Anthony Marotto Jr
3. Ann Iocca
2. Richard L Chaney
1. Alberta M Acosta

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44.	Wade Calmer		
43.	Lida Likar		
42.	darryl furuya		
41.	Brian McCusker		
40.	William Brangan		
39.	Alfred Armand		
38.	Doreen Brignoli		
37.	Sandra Brangan		
36.	kathleen bosell		
35.	Friedrich Binsfeld		
34.	David Enberg		

33.	mark stefani		
32.	David Larroche		
31.	Elizabeth Dutton		
30.	Paul		
29.	Troy Thiele		
28.	Denise Granger		
27.	Tim Savinar		
26.	James Lindland		
25.	RAY DOMERGUE		
24.	Robert Lindstrom		

73. Frances Ann Sievert
72. Glen Sievert
71. Gino Gonzales
70. Melissa Sievert
69. Patton Lee
68. Ron Cansanay
67. David Burns
66. Steve Landis
65. Tsuyoshi Takahashi
64. Karen Larroche
63. Lisa A. Villasenor
62. william jones
61. Ted Scott
60. Alfred Hulka
59. Joan Santa Maria
58. Tom Satterfield
57. Jeffery G. Baca
56. Anne Bartron
55. Anne Bartron
54. Hector Reyes
53. Rainer Binsfeld
52. Kathleen Burry
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49. Michael Montanez
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47. Desmond Lu
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45. Patrick Ryan
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	Name
94.	Ron Koch
93.	PETER S RAE
92.	Virginia Brusco
91.	Joyce Koch
90.	OLIVER STORTI
89.	Michael Dallmann
88.	Joseph Allegro
87.	Philip J. Havlicek
86.	William H. Dorsett
85.	al charney
84.	Alison Boeckmann

V V

83.	Jean Nicolas
82.	Lorna Choy
81.	ted dumpit
80.	Domenic Pullano
79.	John C Kristovich
78.	James F. Toal
77.	Richard Unsinn
76.	John W. Rodems
75.	Mary Bistolfi
74.	Peter Bistolfi

124. Andrew Beck
123. Charlotte Jacobs
122. Penelope Strasser
121. Kevin Kavanaugh II
120. Robert fernandez
119. Marcella Chow
118. Gordon S. Tannura
117. tom mchugh
116. Craig Heden
115. tom giusto
114. jason gilbride
113. stephanie singer
112. otto fusaro
111. robert johnston
110. Shannon Ford
109. kathie stefani
108. Michael Larroche
107. Joe Sullivan
106. Stanley Wong
105. Homer
104. Terrence Whitson
103. Yuan Fung
102. Lauren Elliot
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97. Tom Matsumoto
96. Richard Lee
95. Alice Filios
94. Ron Koch

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	Name
144.	Manuel Robleto
143.	Robert Drucker
142.	michael abeyta
141.	Alan Tigert
140.	christopher marotto
139.	Michael Soden
138.	Nick J Poppin
137.	josef chabera
136.	john murphy
135.	Virginia Norton
134.	Norman Wiseman

V V

133.	Vesma Grinfelds
132.	velma Henderson
131.	Keith Halcovich
130.	Paul T. Loveseth
129.	Jeffrey A. McCord
128.	George Gulbengay
127.	Stephen Collins
126.	Josephine Wallace
125.	John strebel

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193.	greg burnett		
192.	Oyoung Kong		
191.	Frank Brown		
190.	Gregory Ridenour		
189.	milton h. mares		
188.	RICHARD W. HEINTZ JR		
187.	Norm Regnart		
186.	paul truyts		
185.	Dale R Pitt		
184.	sachiko slater		

183.	Helen Ashe		
182.	Kelly Chiaravalloti		
181.	KAREN HALL		
180.	Glenn Adams		
179.	Christopher Robleto		
178.	Ronald Lerohl		
177.	Craig Parsons		

417. Lee A. Hecht

416. Daniel Pizzo
415. Christina Fuller
414. John A Compton
413. dae hyun kang
412. Nancy Dabney
411. chris noriega
410. dan donnelly
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408. Jim Connors
407. Veronica J. Kelly
406. Brian A. Kelly
405. Kimberly A. Kirkpatrick
404. Scott Phelps
403. Howard Joe
402. kc murphy
401. pat concannon
400. Glenn F. Clifton
399. dan murphy
398. June Briesach
397. Paul Jones
396. CINDY TEAHAN
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441.	Yvette Auzenne Ybarra		
440.	Allen Liu		
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438.	Chris Nguyen		
437.	Steve L.		
436.	Jay		
435.	Joe Abriol		
434.	skip dion		
433.	Roy Hack		
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431.	Teresa Mayes		
430.	Julie Curtis		
429.	Greg giusti		
428.	Kathleen Millard		
427.	Marty Briesach		
426.	Nancy Saisi		
425.	Matthew Callicotte		
424.	w dabney		
423.	ROBERT DIETZ		
422.	Lori Howe		
421.	Mima Suwa		
420.	Izumi Suwa		
419.	Diane B. Webster		
418.	Terrence H. Webster		

468. Kevin Mutto
467. Sarge Timboe
466. Mable Timboe
465. Mike Timboe
464. steve mutto
463. Ruben Cabral
462. Lynn Mutto
461. michael favro
460. Luther Johnson
459. melissa grosvenor
458. Christina Hulka
457. Susie-Q Conklin
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444. Tuan Le
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590.	Gary Hurst		
589.	TOM KUHN		
588.	Sandra Brainard		
587.	j guenley		
586.	Wayne Veatch		
585.	Sally LoPrete		
584.	Thomas Foley		
583.	Loren Stolle		
582.	Kimberly Ann Newberry		
581.	Ron Huch		

580.	Pamela Dawson	:
579.	andrew whiteman	:
578.	Jacqueline Goeldner	:
577.	Robert Goeldner	:
576.	Scott Mac donald	4
575.	William S. Miller	:
574.	Angela M. D. Miller	:
573.	Matthew R. Miller	:
572.	john b. totah	(
571.	R Pacheco	9
570.	Nanette J Wilson	1
569.	Robert Smilo	9
568.	Sandra Dunie	1
567.	Annie M. Pacheco	3

566. Jason Goss
565. curtis cahill
564. Robert W Battaglia
563. Mrs.Rosalie Mc ILroy
562. Kathryn Vetere
561. Marion Page
560. Thomas Fegan
559. Benedicto L. Catacutan
558. Robert Terry
557. K. Phillips
556. jose latoza
555. Mary C. McIntyre
554. Cathy Pantazy
553. John Pantazy
552. Rosemary Rushka
551. Tom Larkin
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549. Don Parrish
548. Nate Gustavson
547. mike scandurra
546. olga abad
545. Richard Breneman
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541. Kellie Briesach

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615. lee v heise

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613. Archie Wong

612. susan macaulay

611. Daniel Kramer

610. Lisa Croft

609. Rick Azzopardi

608. Janet Gregori

607. Jan Peloquin

606. Richard Peloquin

605. ron mccoy

604. Ron Campbell

603. Alice Shirley

602. Kit DiJulio

601. Ronald Shirley

600. Robert Fontes

599. Jacques Oyhancabal

598. June Neuhaus

597. Catherine Mary Paulus

596. Doug Ota

595. Blake Twisselman

594. Cynthia Halman

593. Tom Halman

592. Michelle Pitt

591. Paul Groft

590. Gary Hurst

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667. mike bergstrom
666. Brendan ONeil
665. clifford wong
664. carol foster
663. Mark Philipopoulos
662. Gary Guittard
661. linda chon
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650. John Burns
649. Maria E. Cortes
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689.	Shannon Twomey		
688.	Claireen A. Scannell		
687.	Sylvia Yarian		
686.	bruce baber		
685.	Harry C. Hart		
684.	Dessirre Woolen		
683.	Brady Borcherding		
682.	stephen s kwan		
681.	teresa t kwan		
680.	tony h kwan		

679.	Kathryn J. Mullins		
678.	Justin Schwab		
677.	Don Gerth		
676.	Gary Lackey		
675.	Karen Miller		
674.	Warren Miller		
673.	Nina Maloney		
672.	Scott Mroz		
671.	James M.E. Gunn		
670.	David Wilson		
669.	Thomas&Marlene		
668.	William Fitzgerald		

715. nancy s harasciuk
714. john k harasciuk
713. Roy Stern
712. Jennifer Colombo
711. William Agens
710. roger kelly
709. Glenn Walters
708. David Mar
707. Suzanne Dmytrenko
706. TERRY L AGENS
705. Ann Downing
704. Dennis Murphy
703. m. soby
702. John N. Harasciuk
701. eva chu
700. Brad Nelson
699. Jack Watson
698. Andrew Hazard
697. Conrad Ray
696. Brian W
695. Faye Bodisco
694. Alex Bodisco
693. Carol Macaulay
692. karen mar
691. Sets Otaguro
690. Robert Otaguro

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739.	Donna Roberts		
738.	David Tepper		
737.	Kurt Zander		
736.	Matt Cohn		
735.	M.E. Moore Minister		
734.	Mary Hasser		
733.	Richard A. Norton		
732.	Gregory Hasser		
731.	Brian Koffler		
730.	Penny Singer		

729.	Suzanne M. Valente		
728.	jeff pickard		
727.	Patrick H. Kiser		
726.	Retta Guel		
725.	Korey O'Shea		
724.	jeanette		
723.	Nancy Someson		
722.	Juliet Lundgren		
721.	Greg Someson		
720.	E. Thomas Lundgren		
719.	James Lybrand		
718.	Pam Andres		
717.	Judy Victorine-Seward		
716.	Matthew Marceau		

765. Peter Seliga
764. Rod Ghilarducci
763. Michael Brown
762. scott buckingham
761. Sean Tully
760. roy seward
759. Nicholas Hammer
758. Tom Schunn
757. MR & MRS PAFFILE
756. Geoffrey Glisson
755. Kimberly Carrozzi
754. Paul Murillo
753. Nina Hagiwara
752. Ross Reed
751. Javier Guel
750. Jerry P. Smith
749. Anthony Ramos
748. Ryan Kunkel
747. Greg O'Connor
746. Michael Hovermale
745. craig butters
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742. Melanie Reitzel
741. Morgan E. Ferrer
740. Kevin Smith

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790.	jon wong		
789.	Kyle Parrish		
788.	Milton Lee		
787.	Henry Scott		
786.	Michael Chin		
785.	Jason Poon		
784.	Carole Leong		
783.	Walt Stephenson		
782.	edgardo santos		
781.	Jeff Neishi		
780.	Lori LaPorte		

779.	Gregory Chun		
778.	Braden Levine		
777.	Greg Lau		
776.	James Sakamoto		
775.	Richard Woo		
774.	Wayne Yamaguchi		
773.	Marilyn Singer		
772.	Randy Shigio		
771.	Michael Madrid		
770.	martin hawkins		
769.	Robert Warren		
768.	Jeremy Lange		
767.	Jim Masamori		
766.	brian garcia		

817. Reggie Pomicpic
816. Michael Munn
815. Matt Moore
814. Barbara
813. E. Fowler
812. Carl Brogger
811. Brian Nettz
810. Gosei Kimura
809. Loren Adrian
808. mario mandujano
807. Romulo Diaz
806. j
805. Jim O'Neal
804. Tom Addis
803. Kate Lange
802. Michael Souza
801. gloria pizzinelli
800. Janet Potts
799. Anthony Soldato
798. Joe Abriol
797. yim lee
796. Jennifer russo
795. Claire E. Douglas
794. Miles Miller
793. gary l.jackson cpajd
792. Katherine J. Lewis
791. Henry Wong
790. jon wong

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839. Yoshi Sekihisa		
838. Corliss Eastwood		
837. Lawrence Wong		
836. Michael Higuera Jr.		
835. Mike Armstrong		
834. Jim Balsham		
833. Robert Pearsall		
832. David Sexton		
831. Adrian Meyer		
830. Patrick J. Gross		

829. J. HURLEY		
828. Pearce J. Kaner		
827. Joy Ramos		
826. Bruce Olson		
825. John N Grund		
824. Glenn Matthews		
823. John Matheny		
822. Kenneth D. Williams, CGCS		
821. Randall Moses		
820. Coby Byers		
819. James H Potts		
818. Neal D. Martin		

[redacted]

864. gregory fernald
863. Mike Mahoney
862. Sean Battistini
861. Joel Coopersmith
860. Dana Medina
859. Kevin Pryseski
858. Rodney Muller
857. Jeff Markow
856. Eileen McCarroll
855. steve agin
854. Daniel Dalske
853. Nadine Sexton
852. Brian Bagley
851. Randal Gai
850. Damian Pascuzzo
849. Tom Jackson
848. Ryan Wilson
847. JOSEPH H NEAL
846. adrian bertens
845. Lee Ping
844. Gale L. Love
843. Stanley Chon
842. Michael & Patricia Hill
841. billy witt
840. Akoni Ganir
839. Yoshi Sekihisa

View Signatures : 939 889 839 789 739 689 639 589 539 489 439 389 339
289 239 189 139 89 39

The SAVE SHARP PARK GOLF COURSE Petition to Mayor Gavin Newsom, San Francisco Board of Supervisors, San Francisco Park & Recreation Commissioners was **created by and written by Alberta Acosta** (Rich_Albee@msn.com). The petition is hosted here at www.PetitionOnline.com as a public service. There is no endorsement of this petition, express or implied, by Artifice, Inc. or our sponsors. For technical support please use our simple Petition Help form.

SAVE SHARP PARK GOLF COURSE

We endorse the SAVE SHARP PARK GOLF COURSE Petition to Mayor Gavin Newsom, San Francisco Board of Supervisors, San Francisco Park & Recreation Commissioners.

Read the SAVE SHARP PARK GOLF COURSE Petition

Sign the SAVE SHARP PARK GOLF COURSE Petition

	Name
889.	Lance Los
888.	Terry L. Vassey
887.	Jari-lee Tolentino
886.	Justin Mandon
885.	Mako Rova
884.	Anne O'Donnell
883.	Rosalyn Marie Dean
882.	Peter Herrera
881.	John Kawamoto
880.	Eldon Hofeling
879.	Terry Stratton

878.	Eric Styck
877.	Mike Parks
876.	C. Grant Spaeth
875.	allan mooser
874.	Ronald R Read
873.	Roger Robarge
872.	Tim Powers
871.	Dana Marin
870.	Mike Mccraw
869.	Lana Yagle
868.	Jeff Arneson
867.	Robert A. Lapic
866.	Stacey Kliewer
865.	Dennis Eichner

914. Simon M. Day
913. Terry L. Leach
912. Mike Henderson
911. carlo lata
910. King Lip
909. wayne kappelman
908. Jason Green
907. Charles English
906. Deirdre Smallwood
905. Mark Slaughter
904. andrew w trinkino gcs.
903. Peter G. G iovanola
902. William J Foley
901. Andy Slack
900. C Jaroslawsky
899. K Solomon
898. Larry Tiscornia
897. Kimika Takechi
896. Jack Ottaway
895. Michael Purvis
894. Loretta Keller
893. Carl Wiss
892. george l mears
891. William Leong
890. len tallo
889. Lance Los

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	Name	Address, Zip Code	Phone
939.	Scott Clark		415 245 1000
938.	Georges Nabwangu		
937.	Joretta Crisp		
936.	Ron Karns		
935.	Drew Achabal		
934.	Brian Edward Dass		
933.	Matthew Parry		
932.	Russell Lee		
931.	Satoko Boris		
930.	Shelley Acosta		
929.	James Hoffman		

928.	eric engman		
927.	BENITO CAPUYAN		
926.	Steve Kempton		
925.	Mel L. Smalley Jr.		
924.	Brian O'Connor		
923.	Joan Allan		
922.	Margery Snyder		
921.	Matt Steere		
920.	Edward Mazzei		
919.	Sharon Mazzei		
918.	John D. Hall		
917.	Christine Orr		
916.	Diane M Tryant		
915.	Ann Guerr		

Suzanne Kirby
<skirby3215@aol.com>
08/09/2009 08:41 PM
Please respond to
skirby3215@aol.com

To board.of.supervisors@sfgov.org
cc
bcc
Subject Restore Sharp Park

27

Thank you for taking the first step to transform our publicly owned land at Sharp Park from an exclusive, underused, and budget-breaking golf course into a community-centered model for endangered species recovery, natural flood control, outdoor recreation, and sustainable land use.

I strongly support Supervisor Mirkarimi's proposed ordinance to transfer Sharp Park to the National Park Service as part of the Golden Gate National Recreation Area or to jointly manage the park with the Park Service. The ordinance would also require the city's Recreation and Parks Department to develop a plan, schedule, and budget for restoring Sharp Park habitat for endangered species on the site, a welcome change from the mismanagement of recent years. I urge the city and county of San Francisco to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species. Please follow through by passing this important legislation.

Sharp Park Golf Course has a long history of environmental problems because of its poor design and unfortunate placement on a coastal lagoon. The course has had problems with flooding and drainage ever since opening, and the Department has created new and significant environmental impacts. The current operation of the golf course harms wetland habitat and causes illegal take of two federally listed species, the California red-legged frog and the San Francisco garter snake.

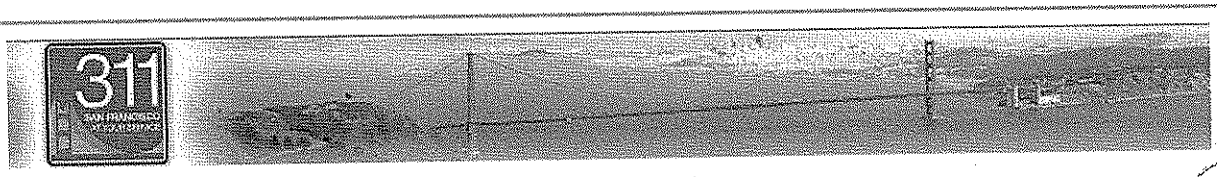
The golf course is a significant money-loser for San Francisco that makes no sense to maintain at a time when the city has cut the Recreation and Parks Department staff and the long-term golf prospects at the site are slim. Combine that with the problems with endangered species, wetland destruction, flooding, and sea-level rise, and it is clear that restoration of Sharp Park to a natural state is the best option for the area.

Ecological restoration is the most fiscally responsible method of managing Sharp Park and dealing with flood management issues at the site. Compared to the costs of implementing capital improvements necessary to maintain the golf course combined with the high potential for massive civil penalties for harming endangered species, restoration alternatives seem to be the most fiscally prudent method for retaining recreational uses of the area.

San Francisco's 2004 recreational study shows that the number-one recreational demand in San Francisco is more hiking and biking trails -- and golf came in 16th. San Francisco already has six public golf courses, and about 50 other golf courses are within a 45-minute drive of Sharp Park. Restoring Sharp Park will help meet recreational demand through hiking and biking trails, picnicking spots, camping facilities, a world-class nature center, a gateway to the San Mateo County Golden Gate National Recreation Area lands, and educational opportunities sorely needed in San Mateo County. Restoration will also ensure the continued existence and abundance of endangered species at Sharp Park.

Please transfer Sharp Park to the National Park Service or jointly manage the property with the Service to restore Sharp Park as a coastal lagoon and wetland habitat for endangered species.

27



Request for City Services - Clerk of the Board

28

Enter Personal Details > Enter Service Request Details > Review & Submit > Attach Photo(s) / File(s) > **Print & Track**

Successfully Submitted

Thank you for your submission. You will receive an email confirmation with a link to follow the progress of your submission.

If you have any additional requests or questions, you can call us 7 days a week, 24 hours a day at 311 (for calls outside of San Francisco please dial 415.701.2311).

Your Tracking Number is: 481130

Aug 4 2009 11:19AM.

Please print a copy for your records. You may close your browser when done.

Location Information:

Location Description:	Resident in SF' shelters & supportive housing since 1994; automated (~unlawful) benefits took an extra 33% of already inadequate dolings between 1997 and 2003; multiple contracts evidenced in deletion of only a few years deletion of medical records on fraudulent execution of my estate; alienation of estate merits say fiduciary proctection should've been granted upon estate liquidation; SF controllers' office did on site acknowledge the 2003 event that if no fiduciary was given should have granted back twice the amount of liquidated assets~(estimated at millions of dollars), or with fiduciary should've granted room, board and whatever amount a hired trust manager would've been paid. Medi-Cal's liquidation of my estate so anguished me with its injustice and SF agencies failure to alleviate my lack of support has alienated my affection for San Francisco's service hypothication system. Furthermore domestic violence this past year has seemed to assist in suppression of my work on my case; and the FREE VOICEMAIL FOR THE HOMELESSS program upon which I've relied has been disabled since one of the hostile take-over slingers accused me of being a snitch.

Request Details:

Category:	Other
Department:	Board of Supervisors (BOS)
Sub-Division:	Clerk of the Board

Additional Information:

Additional Request Details:	Nothing in SF's Charter~[prohibiting the Board of Supervisors from confronting the City & County's contractors] actually seems to prevent analysis of the victims of SF's contractors... The SF charter, in fact reserves every possible unclaimed power, discretionary to the Board of Supe.s... Self-representation/i.e., doing our own paperwork robs victims of representation; thereby creating (merit acknowledged) lack of representational governance. Supportive-housing's (sales-spin) contracts infer that residents become clients of San Francisco City & County while in fact only contractors are acknowledged as client-class in S.F. CA. Merits say; "Disabled people without representation are EMERGENCIES." Traditionally, school properties have been the places to go when disaster befalls on any reagion. {Long before my 2005 eviction~[inspite of a 2003 estate liquidation that should've afforded me more reasonable accomodations] ~that began the homelessness under which I'm due (but not recieving) respite support for this past year of supporting another homeless person; SERVICE-DENIAL SLAVERY (another merited topic) has prevented my getting the medical diagnostics and cures that I need; due to, signatures in faith given to the conflicting interests of the Housing Authority's case managers & administration.}... The number of homeless in San Francisco is the current count of emergencies needing access to the conservatively assigned facilitation of school properties: What about "surplus" school district property might serve SF' Building Code's citation that; "in S.F. CA, bedrooms are bedrooms ~ not multi-purpose rooms"? Maybe a PROJECTS AND PAPERS CONSOLIDATION? maybe, economic development options/potential

Customer Contact Information:

First Name:	MelisAnCaSandrThomas
Last Name:	Mrs.Burrell
Primary Phone:	4156833617unreliable
Alternate Phone:	
Address Number:	101
Street Name:	Hyde TL Gen Deliv
City, State:	San Francisco, CA
ZIP Code:	94102
Email:	meliansaburrell@gmail.com

Customer requested to be contacted by the department servicing their request: ☑

Print

28